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Political Science Review

VOL. XLIV SEPTEMBER, 1950 NO. 3

IS THE BRITISH COMMONWEALTH WITHERING AWAY?

K. C. WHEARE
Oxford University

At a great crisis in the history of the American Commonwealth, Abraham Lincoln in a speech delivered in June, 1858, used these words: "If we could first know where we are and whither we are tending, we could better judge what to do and how to do it." The British Commonwealth has reached a crisis in its affairs, but the nature of the crisis escapes the diagnosis of most students and many are inclined, therefore, to echo the words which Lincoln used nearly a hundred years ago. It seems worth while, accordingly, to set down as simply as possible some of the changes that have occurred in the structure and composition of the Commonwealth in recent years, in the hope that, on this basis, some judgment may be hazarded about "where we are and whither we are tending."

When the War ended in 1945 the British Commonwealth could still be described in the terms adopted almost twenty years before, at the Imperial Conference of 1926, as a group of "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations."[1] The characteristic of members of the Commonwealth was that they were equal in status, they owed a common allegiance to the Crown, and they were freely associated. The communities which in 1945 exhibited these criteria were the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, South Africa, and possibly, if doubtfully, Eire. The Commonwealth in 1945, too, was, so far as racial stock was concerned, a *British* Commonwealth. But not entirely. Out of a population of about 87 million, there were probably 15 million or so who were not of British stock. There was a substantial minority of French Canadians in Canada; there was an actual non-British majority among the European population of the Union of South Africa, and this European population itself was heavily outnumbered by the African and Indian peoples within the Union. The Commonwealth was, however, predominantly British; outside its membership lay the 400 millions of India and about 70 millions in various colonial territories, all non-European and all dependent in the last resort upon the government of the United Kingdom.

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[1] Report of the Imperial Conference, Cmd. 2768/1926, p. 14.

Since 1945 a great change has occurred. From being an Empire in which the majority of people were governed by an alien minority, the Commonwealth now stands with the overwhelming mass of its people enjoying self-government. In 1947 complete self-government was conceded to the 337 million people of India and the 69 million of Pakistan[2] and in 1948 to the six million of Ceylon.[3] Thus three new members joined the Commonwealth, bringing 412 million people with them. On April 18, 1949, the doubtful member, Eire, left. So in 1950, as we look back to 1945, we can say that a Commonwealth of five or possibly six members with a population of about 87 million people, has become a Commonwealth of eight members with a population of around 496 million. Was there ever before in the history of the world so great a liberation of peoples peacefully accomplished?

Let us consider this new Commonwealth. The first great change since 1945 is that it is no longer a *British* Commonwealth. That is apparent from the figures given so far. The non-British minority of 15 million in the Commonwealth of 87 million in 1945 is now a majority of about 427 million in a Commonwealth of 496 million. The Commonwealth in Asia now heavily outnumbers the old Commonwealth. And, be it added, if the Commonwealth is, in point of numbers, no longer predominantly British, it is also no longer predominantly Christian or predominantly white.

That, however, is not all. Not only is the Commonwealth no longer British, it is also no longer a Commonwealth of Kingdoms. Now it is true that in 1945 there was a good deal of room for doubt about whether Eire was a Kingdom or not. If she was not, and if, also, she was a member of the Commonwealth, then even at that date the Commonwealth was not completely a Commonwealth of Kingdoms. Eire's position, indeed, was not easy to discern. The Constitution of 1937 had established a president as the head of the State[4] but it had not in fact described Eire as a republic.[5] Furthermore, by the Executive Authority (External Relations) Act of 1936, the Irish had asserted that so long as they were associated with the other nations of the British Commonwealth, and so long as the King recognized by those nations as the symbol of their co-operation continued to act on behalf of each of them for the purpose of appointing diplomatic representatives and the conclusion of international agreements, "the King so recognized may and is hereby authorised to act on behalf of the Irish Free State for the like purposes as and when advised by the Executive Council so to do." There was considerable room for argument about what this meant. Did Eire recognize the King as a symbol of her co-operation with the other members of the Commonwealth? Was Eire a Kingdom externally and a republic internally? Did all this amount to what, in the Declaration of 1926, was called "common allegiance to the Crown"?

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[2] Indian Independence Act, 1947. 10 & 11 Geo. 6, c. 30.

[3] Ceylon Independence Act. 11 Geo. 6, c. 7.

[4] Art. 12.

[5] Art. 5.

Though there was no agreement about the answers to these questions, there did appear to be agreement in Eire and in the Commonwealth about one thing: that membership of the Commonwealth did involve recognition of the King in some way, and indeed did appear to imply that the Commonwealth was a Commonwealth of Kingdoms. Put another way, it was assumed that, if you wished to secede, the shortest and simplest way of doing so was to declare yourself a republic. This idea persisted right up to 1949. When, towards the end of 1948, the Irish government introduced legislation to repeal the Executive Authority (External Relations) Act of 1936[6] and thereby to remove the Kingship entirely from its place—ambiguous and exiguous though that place was—in the Irish system of government, it was accepted by the Irish government on the one side and by the members of the Commonwealth on the other that this meant Eire's withdrawal from the Commonwealth. India, Pakistan and Ceylon concurred with the old Dominions and the United Kingdom in this opinion. In an announcement in the House of Commons on November 25, 1948, Mr. Attlee said: "The United Kingdom government have been able to give the most careful consideration to the relations between the United Kingdom and Eire when the Republic of Ireland Bill comes into force. They regret that Eire will then no longer be a member of the Commonwealth."[7]

The Republic of Ireland was formally inaugurated on April 18, 1949—Easter Day, the anniversary of the Easter Rising of 1916—and thereupon Eire, in virtue of becoming a republic, ceased to be a member of the Commonwealth. Within ten days of that event the Prime Ministers of the Commonwealth countries, after a conference in London, announced, on April 28, 1949, that they were prepared to accept India's continuing membership in the Commonwealth as a republic if and when she chose that form of government in her new Constitution.[8] At first sight this looked like a reversal of the decision taken on the Irish Republic. In fact, on closer inspection it was not. In the first place India, though giving notice that she wished to become a republic, emphasized at the same time that she wished to continue as a member of the Commonwealth; Eire had not expressed a desire to continue as a member. In the second place India was prepared to continue to recognize the King as the symbol of the free association of the independent member nations and, as such, the Head of the Commonwealth. It is true that India, like Eire, would be a republic with a president as head of the State for all purposes; there was no suggestion that India would adopt a position like that of Eire under the Executive Authority (External Relations) Act of 1936. The King would have no part in the system of government of India; he would indeed have no legal position in relation to India. But India was prepared to regard him as the symbol of the free association and, as such, as the Head of the Commonwealth. This was accepted as sufficient by the other members of the Commonwealth and they placed it on record that they "accept and recognize India's continuing membership in accordance with the terms of this declaration."

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[6] The Republic of Ireland Bill.

[7] *House of Commons Debates*, Vol. 458, col. 1414.

There was, therefore, a good deal of difference between the attitude of India and the attitude of Ireland. It is ironic that the formula which India was prepared to accept—the King as "the symbol of the free association"—is substantially the formula which Mr. de Valera inserted in the Executive Authority (External Relations) Act. One cannot help wondering whether, if the case of India had come up six months earlier and had been settled on these lines, and if as a result a model had been approved by which a republic could be a member of the Commonwealth of which the King was Head, Eire might have been willing to follow the example of India. The other members of the Commonwealth certainly would have become accustomed to the idea that a republic could be a member; they would not have assumed that adoption of a republican form of government was *ipso facto* secession. That, however, is speculation. It is difficult to escape the conclusion that the difference between Eire's attitude and India's was a difference not about forms but about substance, the difference between a country which did not and a country which did wish to be a member of the Commonwealth.

On January 26, 1950, India became a republic[9] and from then on the Commonwealth has been a Commonwealth of Kingdoms and a Republic. It is natural to ask whether this situation fits in with the passage in the Declaration of 1926 that the members of the Commonwealth are "united by a common allegiance to the Crown." Does a recognition of the King as a "symbol" and as "Head of the Commonwealth" constitute allegiance? To answer this question we must consider what the Imperial Conference meant in 1926 when it spoke of autonomous communities owing "allegiance" to the Crown. "Allegiance" is a legal word. It describes the mutual bond and obligation between the King and his subjects or, in certain circumstances, aliens. It has a central position in the law of treason.[10] It was true, as a matter of law, that people in the various members of the Commonwealth did owe allegiance to the King in 1926. But the Declaration of 1926 was not a declaration of the law. In many respects it was in conflict with the law as it stood then. It is legitimate to conclude that the greatest common measure of agreement among the members of the Commonwealth at that time was on the side of using "allegiance" as a sentimental or metaphorical or political term to describe the fact that all the members were kingdoms of one King. To some members "allegiance" meant more than that, but to South Africa and the Irish Free State, probably, it meant no more.

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[8] *Ibid.*, Vol. 464, col. 370.

[9] Under the Constitution of India, adopted on November 26, 1949, by the Constituent Assembly.

This sentimental or metaphorical use of "allegiance" is no doubt not far removed in its meaning from India's acceptance and recognition of the King as the symbol of free association and, as such, the Head of the Commonwealth. But since "allegiance" has a legal meaning it is probably best now to drop the word as a description of the relations between the members of the Commonwealth and the King. So far as the law is concerned it does not apply any longer to India, as a republic, and there is therefore no *common* allegiance in the legal sense among all the members of the Commonwealth. It is best, in the light of these changes, to adapt the Declaration of 1926 by replacing the phrase "united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations" with some such words as "united by a common acceptance of the King as the symbol of their free association as members of the Commonwealth and, as such, the Head of the Commonwealth."

Discussion of allegiance inevitably raises the question of nationality and citizenship. There was a certain legal truth in saying in 1926 that the communities in the Commonwealth were united by a common allegiance to the Crown because all British subjects owed such allegiance. That is still the law. But it raised problems. Those members of the Commonwealth which were particularly anxious that their complete independence of action should be assured, especially in the field of foreign affairs and peace and war, raised the question whether they could be neutral in war. Now it is said that in law, if the King is at war, all his subjects are at war. Therefore so long as the citizens of a member of the Commonwealth—say South Africa—are British subjects, are not all South Africans, as British subjects, obliged, at the very least, to refrain from assisting the King's enemies if the King goes to war? Does not the possibility of neutrality in war, then, require that the citizens of each member should not be British subjects but should have a distinct nationality of their own, which does not carry with it the implications of allegiance attaching to British subjecthood?

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[10] It was considered most recently in Britain in the case of William Joyce.

It was very largely for reasons of this kind that Mr. de Valera secured the passage of the Irish Citizenship Act of 1936 in his parliament, by which the Irish were no longer to be British subjects but Irish citizens only. A consequence of this Act was that British subjects, whether from the United Kingdom or from other parts of the British Commonwealth or Empire, were, in law, aliens in Eire. In practice the Irish government provided by an executive order that British subjects should be placed upon a substantially equal footing with Irish citizens in Eire and should not be in the same position as other aliens. So far as the law in the United Kingdom and in the rest of the Commonwealth was concerned, however, Irish citizens were still British subjects and had the full rights of such subjects.

Apart from this Irish exception, it was possible to say of the Commonwealth in 1945 that it was not only British, it was not only a Commonwealth of Kingdoms, and it was not only a Commonwealth whose members were united by a common allegiance to the Crown, but it was a Commonwealth of British subjects. In 1950 this is no longer true. The common status of British subject has disappeared. A few words must be said to explain how this has happened.

In the first place it must be admitted that the present situation is contrary to the hopes and expectations of, at any rate, some members of the Commonwealth. As recently as February, 1947, agreement had been reached by a Conference of experts of the countries of the Commonwealth held in London that each member of the Commonwealth should lay down the conditions upon which people should be admitted to citizenship of that member, that it should declare its citizens to be British subjects, and that it should recognize as British subjects the citizens of other members.[11] If this plan were carried out there would be a common status of British subject throughout the Commonwealth combined with a distinct status of citizenship within each member. It was agreed, at the same time, that Eire's position should lie outside these arrangements. Her citizens, as defined by the Irish Citizenship

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[11] See memorandum on British Nationality Bill, Cmd. 7326/1948.

Act of 1936, would no longer be regarded as British subjects by the law of the other parts of the Commonwealth. Instead there would be arrangements between Eire and the other members by which the citizens of them all should be placed upon an equal footing and not be treated as aliens. This would, in effect, make reciprocal the privileges which Eire had extended to the citizens of members of the Commonwealth after the passing of the Irish Citizenship Act in 1936.

Legislation to carry out the proposals of the expert Conference was passed by Australia, New Zealand, Ceylon and the United Kingdom in 1948. Canada had already legislated on the same lines in 1946 and it was in fact Canada's action which had led to the calling of the Conference. The legislation of the United Kingdom is found in the British Nationality Act, 1948,[12] which establishes for the first time a citizenship of the United Kingdom and Colonies (for these purposes grouped into a single unit, so that a Jamaican, for example, has the same citizenship as an Englishman) and provides that such citizens shall be British subjects, and that all persons who are citizens of another member of the Commonwealth are also British subjects. This act of the United Kingdom parliament, be it noted, applies only in the United Kingdom and Colonies. Citizenship and subjecthood in all other Commonwealth countries are regulated by the laws of those countries. Thus the Australian Citizenship Act establishes an Australian citizenship, declares all Australian citizens to be British subjects, and declares all persons who are citizens of other members of the Commonwealth British subjects also, so far as Australia is concerned. In each case, too, it is provided that Irish citizens are not to be regarded as British subjects, but arrangements are made to grant reciprocal privileges to citizens of Eire in Commonwealth countries and vice versa.

One interesting point of terminology in the British Nationality Act deserves mention. In the course of the debates upon the Bill, it was mentioned that the term "British subject" hardly accorded with the equal status of the members, particularly the new Asian members, of the Commonwealth. Accordingly the Act provides that the term "Commonwealth citizen" may be used as equivalent to British subject. This is surely a better term, but so far it has not been adopted in the legislation of the other members of the Commonwealth.

Everything pointed at the end of 1948 to a smooth introduction of a double status for all the peoples of the Commonwealth—a national citizenship and a Commonwealth citizenship shared by all in common, with Irish citizens treated as equals in all but name. But in 1949 it became clear that this arrangement was not to be. South Africa passed a Citizenship Act[13] which created a status of South African citizen but did not go on to declare South African citizens to be British subjects or, for that matter, Commonwealth citizens. The position of India is not yet finally determined but the republican Constitution of 1950 creates an Indian citizenship[14] and makes no reference to any other status, though it does not forbid the legislature to create such a status. Doubtless India will not choose to call its citizens British subjects, but it may choose the term "Commonwealth citizens."

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[12] 11 & 12 Geo. 6, c. 56.

The breach in the common pattern, however, has been clearly made by South Africa. The Commonwealth no longer is a Commonwealth with a common citizenship. Some legal anomalies persist. By the British Nationality Act, 1948, South African citizens are British subjects or Commonwealth citizens so far as the United Kingdom is concerned; so also are the citizens of India. There is nothing necessarily objectionable in this, for it means that South Africans and Indians are regarded in the United Kingdom as on the same footing as other citizens of the Commonwealth. But legislation may be necessary to remove some anomalies and perhaps the outcome for India and South Africa will be a reciprocal arrangement on the model intended for Eire.

A comment must be added on the position of Eire. When the British Nationality Act of 1948 was passed and similar legislation was enacted in some other members of the Commonwealth, and when arrangements for reciprocal citizenship were made between these members and Eire, Eire had still some claim to be regarded as a member of the Commonwealth. But when, on April 18, 1949, she became a republic and left the Commonwealth, must not her citizens have become aliens? There was some good legal ground for thinking so. But the members of the Commonwealth decided that this would not be desirable. When, on November 25, 1948, Mr. Attlee announced in the House of Commons that Eire's becoming a republic would mean that she would cease to be a member of the Commonwealth, he went on to say: "The United Kingdom government will not regard the enactment of this legislation by Eire as placing Eire in the category of foreign countries or Eire citizens in the category of foreigners. . . . The position of Eire citizens in the United Kingdom will be governed by the British Nationality Act, 1948. The Eire government have stated that it is their intention to bring their legislation into line with that in Commonwealth countries so as to establish by statute that, in Eire, citizens of Commonwealth countries receive comparable treatment."

It is impossible to describe in detail the exact state of the law at present in regard to citizenship in each Commonwealth country, or its relationship to the law in other members of the Commonwealth, or its relationship to the law in Eire. At many points the subject is obscure and complex. Certain broad principles and trends however are now clear and they make it apparent that common citizenship, like common allegiance, is now a thing of the past. So far as certain members of the Commonwealth are concerned—for example, the United Kingdom, Canada, Australia, New Zealand and Ceylon—there is a common status of British subject or Commonwealth citizenship, based upon separate, individual legislation upon an agreed pattern; in regard to certain other members, such as India, there might be not common but similar or even identical status by reciprocity; in regard to others, including South Africa, there might be no such reciprocity; and finally, in regard to countries right outside the Commonwealth, such as Eire, there is the paradox of similarity or identity of status, again by reciprocity.

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[13] South African Citizenship Act, 1949 (No. 44 of 1949).

[14] Arts. 5–11.

Surely in their bewilderment at this patchwork of citizenship, people outside the Commonwealth may be pardoned if they ask: isn't the British Commonwealth withering away? If you have no common stock, no common form of government, no common allegiance, no common citizenship, and if you extend to citizens of Eire outside the Commonwealth rights which belong to those inside, what really is left that is *common* in your Commonwealth? It is a fair question, and it is difficult to answer. Not that there is any doubt about the answer. The members of the Commonwealth are working more closely and more harmoniously together today than at any previous time in a period of peace, and indeed at many periods during war. It is a most extraordinary thing. And it is not easy to explain.

On the one side it is undeniable that the Commonwealth is a more difficult association to work now than it was in 1945. Inevitably the change in its racial composition and in its political structure has brought problems of adjustment. Moreover there are acute differences of opinion between some of the members. India and Pakistan have the problem of Kashmir; India and South Africa have a long history of trouble in regard to the treatment of Indians in South Africa. The interests of the members are obviously not identical. The Asian members do not give that priority to European affairs which characterizes the United Kingdom and, in recent years, Canada. The Asian members may not find it so easy and natural to co-operate with the United States as do Canada, Australia and New Zealand.

There are, however, certain forces which push the members together. The greatest of all, perhaps, is the policy of the U.S.S.R., which has united the Commonwealth in peacetime more closely than even the Nazis did. There is a strong common belief in freedom and independence. There are feelings of good will evoked by the speed and willingness with which power was handed over to the Asian members by the United Kingdom with the obvious approval and good wishes of the European members overseas.

In fact, however, if the nature and strength of the Commonwealth is to be understood, it is necessary to put aside these calculations of interests. The Commonwealth is not a league; it is not an alliance or a confederation, and, of course, quite obviously not a federation; it has no covenant or charter or articles of agreement or constitution. Historically it is an association of independent nations which were once united by the fact that they were all governed, in the last resort, from the United Kingdom, and are now united because, of their own free will, they choose to go along together, consulting and assisting each other in matters of common concern. There is certainly an element of accident about the membership of this association—the accident of Empire. The members of the Commonwealth have not chosen each other; rather they have found themselves inside an Empire through no particular action of their own and they have grown up to independence there. In this respect they remind us most of a family, in which the children find themselves presented, without any choice in the matter, with their brothers and sisters and their parents. When they grow up they are free to exercise the right to leave home and associate with other people. Yet as a rule the family tie always means something and often means a great deal.

This analogy of the family of nations is often used to describe the nature of the Commonwealth. Analogies in political science are always dangerous and this particular analogy is hackneyed. Yet it is the most instructive way in which the nature of the Commonwealth can be described. It helps to explain the point already mentioned—namely, the way in which members of the Commonwealth, having been brought together in the past within a single Empire rather as children are brought together in a family, have grown up together and have, now, of their own free will decided to remain together. At the same time, as grown up members of a family do, they have gone out into the world and have made new friends; they do business with people outside the family; and they find very often that people outside the family are more congenial and more understanding than some of those within the family. The members of the Commonwealth have been active in the United Nations Organizations and in the Security Council; they play their full part freely in international conferences and diplomacy; they make their own trade arrangements with foreign countries. Yet they retain a bond with each other of a peculiar kind, produced partly by historical association, partly by racial stock, partly by economic, strategic or political interests, partly by a belief in common ideals.

The truth about the Commonwealth can be best expressed by saying that it is no more and no less than a family or brotherhood of nations. It is often misunderstood because people, both inside and outside the Commonwealth, do not grasp this fact. Sometimes they expect it to be more than a family—to be a firm or a federation or an alliance. The Commonwealth may act so closely together at certain times, and has so acted in the two World Wars, that it behaves with the unity and efficiency of a federation or an alliance; it may make economic arrangements among its members which seem to turn it into a family business. But the Commonwealth is not pledged to such things. Its essence is the free association of nations which have been held together in the past by an imperial bond and which now hold themselves together by voluntary agreement.

But if the Commonwealth is no more than a family of nations, it is also no less. The strength of this tie has been strikingly displayed in the last five years, and perhaps never more so than in India's decision to remain linked with the other members. It was illustrated, too, paradoxically enough, when Eire decided to leave the Commonwealth. The members of the Commonwealth virtually said to Eire: "You may renounce your family, but we shall still treat you as one of us. We cannot regard you as strangers." And Eire proposes to behave in a similar way.

Family ties are strong, but family life is not inevitably harmonious. Family quarrels, like civil wars, are the bitterest of all conflicts. It would be foolish, therefore, to say that because the Commonwealth is a family of nations, its future is assured and easy. Far from it. A first step towards appreciating its problems, however, is to understand the peculiar nature of its members' relations with each other. They are not legal relations and, indeed, the less lawyers have to do with the forms of words which the members adopt from time to time to describe their aspirations and intentions, the better for the Commonwealth.

Perhaps the best way in which the Commonwealth's nature and objects can be described is in the words adopted by the members in April, 1949, when they accepted India's continuing membership as a republic. They concluded their statement with these words:

> Accordingly the United Kingdom, Canada, Australia, New Zealand, South Africa, India, Pakistan and Ceylon hereby declare that they remain united as free and equal members of the Commonwealth of Nations, freely cooperating in the pursuit of peace, liberty and progress.

Is a Commonwealth so dedicated withering away?

STATE LEGISLATURES AND COMMUNISM: THE CURRENT SCENE

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The prosecution of the cold war on the domestic front was a major concern of the state legislatures which convened in 1949. Quantitatively, last year's output of state laws against subversive movements surpassed that of any other year in our history except 1919. It was a rare hopper which did not receive at least a sprinkling of bills of this sort. And the fact that no more than fifteen states enacted anti-Communist laws can be attributed in large part to the inability of lawmakers to think of restrictive measures which an earlier legislature had not already placed on the statute books.

As 1950 began, Maine alone among the states was without a law designed specifically to repress or combat subversive organizations or individuals. Thirty-eight states[1] at that date had criminal statutes prohibiting acts of violence and utterances urging violence for the purpose of effecting political or economic change. Although Tennessee's Sedition Act goes back to 1715[2] and two other states enacted similar statutes in the nineteenth century, these laws are for the most part products of the present century.[3] They came in three waves. The assassination of McKinley prompted three states to pass criminal anarchy laws. Then, between 1917 and 1923, twenty-five states enacted criminal syndicalism or criminal anarchy statutes in response to the activities of the I.W.W. and the "Bolsheviks." This tide reached its apogee in 1919 when eighteen states wrote measures of this type into law. Between 1931 and the close of 1949 seven additional states adopted such legislation, and five others strengthened their criminal statutes directed against subversive acts and utterances.[4]

More typical of the recent crop of anti-subversive legislation is the law designed to exclude subversive individuals from public employment, found in some form in thirty-two states at the beginning of the present year.[5] Here again is a type of enactment that antedates the birth of the Communist Party in the United States. Loyalty oaths that are required of teachers in California, Nevada, and West Virginia date back to the period of the Civil War. Six states prescribed some sort of loyalty declaration between 1917 and 1924. The remaining laws of this type were enacted between 1929 and the present.

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[1] All except Arizona, Georgia, Louisiana, Maine, Missouri, North Dakota, Oregon, South Carolina, Texas, and Mississippi. Mississippi deserted the ranks in 1950 by enacting a law of this type.

[2] *Michie's Tennessee Code Annotated*, 1938, Sec. 11026.

[3] Though some of the laws mentioned here and in following paragraphs were not enacted for the purpose of curbing Communist activities, they deserve inclusion in any reckoning of anti-Communist legislation. Regardless of the stimulus that prompted enactment of them, they are today a weapon with which to suppress Communists.

[4] Eldridge F. Dowell, *A History of Criminal Syndicalism Legislation in the United States* (Baltimore, 1939); Zechariah Chafee, Jr., *Free Speech in the United States* (New York, 1941).

Seventeen states exclude Communists from the ballot.[6] Many have Red Flag laws.[7] At least six have established special investigating committees to ferret out Communist activities.[8] And two require the registration of subversive organizations.[9]

This hasty summation of relevant state laws indicates that the fifteen states which passed anti-Communist measures in 1949 were in no sense pioneers.[10] What made last year's attack on Communism by state legislatures noteworthy was the fact that so many acted in the same way at the same time.

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[5] All except Alabama, Connecticut, Delaware, Idaho, Iowa, Kentucky, Maine, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Tennessee, Virginia, Wisconsin, and Wyoming. Tennessee and Virginia require special oaths of teachers, but the requirement is not specifically imposed by any state law. Mississippi passed a loyalty law in 1950.

Included in the count of thirty-two states are all which require any pledge of allegiance of teachers. Included, too, are Utah, which requires a loyalty declaration only of members of the State Police Highway Patrol; and Louisiana, which requires it of those serving in the State Guard.

Two helpful surveys have been made by the National Education Association, *Teachers' Oaths and Related State Requirements* and *Local and State Restraints Upon Alleged Subversive Activities of School Employees* (Washington, 1949).

[6] Arkansas, California, Delaware, Illinois, Florida, Indiana, Maryland, New Jersey, Oklahoma, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Wisconsin, Wyoming, and Alabama. Alabama achieves the result of excluding the Communist Party from the ballot by denying it the status of a political party. Though the New Jersey law was found unconstitutional (p. 566, below), the number remains seventeen since the Mississippi anti-Communist law enacted in 1950 bars subversives from the ballot. H. F. Ward, "The Communist Party and the Ballot," *Bill of Rights Review*, Vol. 1, pp. 286–292 (Summer, 1941); American Civil Liberties Union, *Minority Parties on the Ballot* (New York, 1946); Sidney Baker, "May the States, By Statute, Bar Subversive Groups From the Ballot?" *Notre Dame Lawyer*, Vol. 25, pp. 319–329 (Winter, 1950). This last article is not completely up to date in the factual information it contains.

[7] Thirty-three, according to the calculation of the Maryland Commission on Subversive Activities in its *Report to Governor William Preston Lane, Jr. and the Maryland General Assembly* (Baltimore, 1949), p. 75. The constitutional issues raised by such laws were considered in *Stromberg v. California*, 283 U.S. 359 (1931).

[8] California, Illinois, Massachusetts, New York, Washington, and Wisconsin. In 1950 Mississippi directed a legislative committee to investigate subversive activities and make annual reports to the State legislature.

[9] California and Michigan. The New York registration law, designed to curtail the activities of the Ku Klux Klan, might be added here. *Thompson's Laws of New York*, 1939, Secs. 53–56.

[10] In addition to the references cited in earlier footnotes, the following works contain useful information bearing on anti-subversive measures which have been adopted by the states: Zechariah Chafee, Jr., *The Inquiring Mind* (New York, 1928); G. W. Kirchwey, *A Survey of the Workings of the California Criminal Syndicalism Law* (New York, 1926);

The general trend toward more and stronger anti-Communist measures was reversed in three states. The legislatures of Illinois and Washington allowed their committees investigating un-American activities to expire by the device of failing to appropriate funds for the continuance of their operations. As the Broyles Committee in Illinois perished, a set of stringent restraints on free speech and assembly which it had devised smothered to death on the calendar of the lower house of the legislature. A legislative investigation of communism at the University of Chicago and at Roosevelt College, inspired by the energetic lobbying of some immature students from the two institutions, turned out to be a fiasco.[11] In Washington the defeat of the chairman of the Committee on un-American Activities, Representative Albert F. Canwell, and two of its other members at the polls in 1948 hastened the Committee's demise. California, the third state in which some slackening of the fight against Communism was observable, refused to enact any of the thirteen anti-

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American Civil Liberties Union, *The Operation of the Criminal Syndicalism and Sedition Laws* (New York, 1933); M. Cohen and R. F. Fuchs, "Communism's Challenge and the Constitution," *Cornell Law Quarterly*, Vol. 34, pp. 182–219, 352–375 (1948); S. B. Groner, "State Control of Subversive Activities in the United States," *Federal Bar Journal*, Vol. 9, pp. 61–94 (1947); "Restraints on American Communist Activities," *University of Pennsylvania Law Review*, Vol. 96, pp. 381–401 (1948); "Control of Communist Activities," *Stanford Law Review*, Vol. 1, pp. 85–107 (1948). Several studies of the attempts of state and national governments to combat communism are being prepared by a number of scholars under the general direction of Robert E. Cushman of Cornell University and Walter Gellhorn of the Columbia Law School. When published, they should be valuable additions to the literature of political science.

Summaries of the anti-subversive legislation in effect in the states at the date of publication of their works are given in appendices to Chafee's and Dowell's books (Note 4, above) and in the report of the Maryland Commission on Subversive Activities (note 7, above).

Current developments in this field are most likely to appear in the *State Law Index*, published biennially by the State Law Section, Legislative Reference Service of the Library of Congress; the annual reports and occasional literature of the American Civil Liberties Union (its 1949 report is entitled *In the Shadow of Fear*); the New York University School of Law's *Annual Survey of American Law* (particularly the section "Civil Rights"). In several states the journal of a leading law school gives a summary of the output of each session of the state legislature.

[11] All-Campus Committee, University of Chicago, *The Great Investigation* (Chicago, 1949); Laird Bell, "Are We Afraid of Freedom?" American Association of University Professors *Bulletin*, Vol. 35, pp. 301–312 (Summer, 1949); Herman Kogan, "The Sucker State Sees Red," *New Republic*, Vol. 120, pp. 18–19 (April 11, 1949); James O'Gara, "What Price Anti-Sedition?" *Commonweal*, Vol. 50, pp. 312–315 (July 8, 1949).

The only complaint against the two institutions not completely exploded was the charge made by a legislator that the student lobbyists lacked "that clean-cut American look."

subversive bills proposed by its little Dies Committee. The chairman of the Committee, Senator Jack B. Tenney, was forced to relinquish his position after the Committee produced one of its *magna opera,* a 709-page report listing hundreds of prominent people whom it accused of fellow-travelling. The absurdity of this report contributed measurably to the downfall of the chairman of this, the oldest of the little Dies Committees.[12]

I. ANALYSIS OF THE ANTI-SUBVERSIVE LAWS

Two states employed what some lawmakers called "a positive approach" to the problem of combatting Communism. New York and West Virginia enacted legislation to require the teaching in their school systems of certain courses calculated to strengthen attachment to American ideals and to counter the lure of Communism on the intellectual level by offering a rival philosophy. Laws of this nature seem to have been inspired by the revelation that Elizabeth Bentley, reformed Communist and former Party courier, managed to go through the school system of New York and to proceed as far as graduate study at Columbia University without ever taking a course in the history of the United States.

The legislature of New York instructed the Board of Regents to prescribe for the schools in the State courses dealing with the significance of the Declaration of Independence, the Constitution of the United States and that of the State.[13] Further, New York's lawmakers made a course in the history of the State compulsory for high school students.[14]

West Virginia, by a law for "teaching, fostering, and perpetuating the ideals, principles and spirit of Americanism," ordered all primary schools within the State to offer at least a one-year course in State history and to present "regular courses" in United States history, civics, and the national and state constitutions. The law is unusual in that it imposes a fine on violators.[15]

The legislature of Ohio overhauled its unemployment compensation system thoroughly and in the course of this task sought to make unemployed Communists ineligible to receive benefits. Ohio's statute bars the payment of such compensation to anyone who advocates, or is a member of a party which advocates, the overthrow of government by force. Before receiving payments a jobless person must file an affidavit declaring that he is in neither of the classes declared to be ineligible by the statute.[16]

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[12] Carey McWilliams, "Mr. Tenney's Horrible Awakening," *Nation,* Vol. 169, pp. 80–82 (July 23, 1949).

[13] *Laws of the State of New York,* 1949, Ch. 481.

[14] *Laws of the State of New York,* 1949, Ch. 482.

[15] *Acts of the Forty-Ninth Legislature of West Virginia,* 1949, Ch. 39.

Rhode Island struck at Communism in educational institutions. In an appropriations bill granting $55,000 to five schools of collegiate and university rank for use as scholarship money, the General Assembly of the State inserted a proviso whereby the funds would be withheld until the Attorney General and the Director of Education are satisfied that "no person associated with any group or organization advocating the overthrow of government by force or violence is in the employ of" the institutions to which the money is granted. The law contains no hint as to the procedures to be observed to carry this proviso into effect and no restriction on the discretionary authority conferred on the two state officials to withhold the funds appropriated. The sweep of the act is such that scholarship funds could be denied to Brown University, for example, if that institution employed even a janitor who was associated with a group favoring the violent overthrow of government.[17]

Three states—New Hampshire, New York, and Texas—enacted laws singling out those connected with the educational system in the endeavor to flush Communists out of little red schoolhouses and ivy-clad walls.

New Hampshire barred from teaching positions in state institutions generally and in state-approved schools any who advocate communism as a political doctrine or who advocate any other doctrine which includes the overthrow of government by force. All those to whom the Act applies are required to take an oath pledging support and defense of the constitution and declaring that they neither advocate nor belong to any group which advocates the forcible overthrow of government.[18]

New York's well-known Feinberg Law sought to reinforce existing statutory provisions designed to exclude subversive teachers from the state's public school system. The Law declared the Board of Regents remiss in enforcing such laws already in effect. The Legislature did not assert that Communists were imbedded in the school system but contented itself with the "finding" that "there is a common report that members of subversive groups, and particularly of the Communist Party and certain of its affiliated organizations, have infiltrated into public employment in the public schools." The Feinberg Law directed the Regents to promulgate rules for the removal of employees holding jobs in violation of existing laws, which in effect barred from employment advocates of the violent overthrow of government and those guilty of "treasonable or seditious" acts or utterances.[19] To these barriers the Feinberg Law added another more pointed in its nature. It ordered the Regents to promulgate a list of subversive organizations. Membership in any organization that appeared on this list was to constitute prima facie evidence of disqualification for appointment to, or retention in, any supervisory or teaching position in the public school system.[20]

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[16] *Page's Ohio General Code Annotated, Cumulative Supplement,* 1949, Secs. 1345–6, d (2a).

[17] *Rhode Island Public Laws,* Ch. 2352, Sec. 7½.

[18] *Laws of the State of New Mexico,* 1949, Ch. 312.

Irked by a voluble Communist student from the University of Texas who insisted on testifying before legislative committees, the Texas legislature required faculty and students in state colleges to sign affidavits affirming loyalty and disclaiming membership in subversive organizations at the opening of the academic year of 1949-50.[21] The formidable administrative problem of securing affidavits from all was met by making execution of them a part of the registration process for students. No figures are available to indicate how many students in their zeal to take the non-Communist oath overlooked the detail of enrolling in courses. The lone known Communist in the State University blithely took the oath and resumed his studies, since the oath did not require a renunciation of Communism by name. No action against him had been initiated as of the close of 1949.

The state of Washington revised its school laws in order to permit aliens to teach in the public schools under certain conditions. It requires such aliens to declare by oath that they are not members of, or affiliated with, "a Communist or Communist-sponsored organization or a Fascist or Fascist-sponsored organization."[22] In Washington teachers in the public schools have been required to take a loyalty oath since 1931. Consequently, this latest piece of legislation signifies no change in policy.

The most common type of anti-Communist law enacted in 1949 was the statute directed toward keeping Communists off the public payroll completely. Eight states—Florida, Georgia, Kansas, Maryland, Massachusetts, New Jersey, New Mexico, and Oregon—bent their efforts toward this end.[23] Six of the eight—all except New Mexico and Oregon—prescribed a loyalty oath as a means of achieving the purpose of the law. Florida and New Jersey erected bars to prevent Communists from running for elective office while Texas and Maryland strengthened pre-existing barriers of this sort.

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[19] *Thompson's Laws of New York,* 1942, Sec. 12-a; *Thompson's Laws of New York, 1949 Supplement,* Sec. 3021.

[20] *Laws of the State of New York,* 1949, Ch. 360.

[21] *General and Special Laws of the State of Texas,* 1949, Ch. 621. The Texas legislature had the distinction of passing more anti-Communist measures than any other state lawmaking body, four laws and one joint resolution. In the appropriations bill for state institutions of higher learning, a provision was incorporated directing the dismissal of any faculty member subscribing to "communism or any other form of totalitarian State doctrine." *Ibid.*, Ch. 584. By joint resolution the legislature urged the national government to combat Communism by breaking the Berlin Blockade, preventing Stalin from controlling China, dismissing from the State Department the architects of our China policy, and pressing the formation of a federation of European democracies. House Concurrent Resolution 89, *ibid.*

[22] *Session Laws of the State of Washington,* 1949, Ch. 32.

It would be profitless to analyze separately and in detail the provisions of the relevant legislation in each state. The laws in question follow a rather uniform pattern. An indication of their common characteristics, with passing note of some major divergences, should suffice.

How do these laws designate those against whom they are intended to discriminate? Florida, Georgia, and Massachusetts expressly prohibit communists *eo nomine* from public employment, but they further extend the scope of the prohibition so as to reach others besides card-carrying party members. In Massachusetts all who are members of, or who support, any organization advocating the overthrow of government by force, violence, or other unconstitutional or illegal methods are barred from public employment. Florida and Georgia, in addition to barring party members, disqualify any who have lent to the Communist Party "aid, support, advice, counsel or influence." Georgia goes still further by excluding any who have any "sympathy" for communism or who have ever lent their influence to "the teachings of Communism." Georgia's statute is distinct in aiming at Communist "doctrine and teachings" without attempting definition or description of them. Florida adds to the excluded groups anybody who "believes in" the violent overthrow of government or who is a member of an organization believing in or teaching "directly or indirectly" such overthrow.

The five states which chose to describe the characteristics of the Communist Party rather than to name it in their laws all selected as the major trait advocacy of the overthrow of government by force. Oregon and New Mexico, which used identical language in their statutes, banned anyone who "directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason" against the government of the United States or of the State itself.

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[23] The various laws discussed in the succeeding paragraphs are all indicated here:

Florida—*General Acts and Resolutions Adopted by the Legislature of Florida*, 1949, Ch. 25046.

Georgia—*Acts and Resolutions of the General Assembly of the State of Georgia*, 1949, No. 224.

Kansas—*State of Kansas, Session Laws*, 1949, Ch. 246.

Maryland—*Laws of the State of Maryland*, 1949, Ch. 86.

Massachusetts—*Laws of Massachusetts*, 1949, Ch. 619.

New Jersey—*Acts of the 173rd Legislature of the State of New Jersey*, 1949, Chs. 21–25.

New Mexico—*Laws of the State of New Mexico*, 1949, Ch. 45.

Oregon—*Oregon Laws*, 1949, Ch. 311 (prohibiting subversives from state employment); Sec. 14, Ch. 434 (requiring non-Communist oath of members of the Civil Defense Agency).

New Jersey singled out another characteristic of American Communists, their subservience to a foreign power. The oath prescribed for public jobholders and attorneys in that State included the declaration, "I am not bound by any allegiance to any foreign prince, potentate, state or sovereignty whatever."

Maryland selected as a second trait of Communists their purpose of establishing in the United States a puppet government controlled by Moscow. The Ober Act bans from public employment members of organizations "directed, dominated, or controlled directly or indirectly by a foreign government" which seek by any means to supplant existing state and national governments with a form of government under the control of any foreign government, organization, or individual.[24]

The positions to which these eight laws apply include in all cases all officers and employees of the state who are not selected by election. With the exception of Oregon, the states concerned apply their legislation to the officers and employees of the states' political subdivisions. In Oregon the provisions of the law explicitly cover only the employees of the state government, apparently excepting those of counties and localities.[25]

Florida, New Jersey, Texas, and Maryland require a declaration of loyalty of all candidates for elective office within the state. Georgia's law applies to elected officials at all political levels within the state, as does that of Kansas. Neither law on its face bars any one from running for office, but apparently both would operate to prevent one who had been elected from taking office in the event of his refusal to take the oath. Texas explicitly bars candidates of the Communist, Nazi, or Fascist Parties from appearing on the ballot in the state in addition to requiring a loyalty oath of all other candidates before their names may appear.[26]

New Jersey's law is unusual in exacting the loyalty oath of all attorneys as well as of public employees. Kansas, like New Hampshire, applies its loyalty law to teachers in private schools within the state as well as to those in state-supported educational institutions.

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[24] Maryland's Ober Act contains criminal penalties as well as exclusion from public employment for members of such organizations. Its criminal sections are treated below, p. 564 ff.

[25] Oregon also aimed to keep Communists out of its newly created Civil Defense Agency by requiring a loyalty oath of all its members.

[26] *General and Special Laws of the State of Texas*, 1949, Ch. 131 (barring Communist Party from ballot); *ibid.*, 1949, Ch. 232 (requiring loyalty affidavit of candidates).

The obvious sanction for this type of legislation, ineligibility for service in the positions which the laws cover, is in some cases accompanied by additional penalties. Kansas and Massachusetts authorize criminal penalties against disloyal office-holders.[27] Florida, Georgia, and Maryland subject any who file a false affidavit or statement to the criminal penalties imposed by state law for perjury. Texas and Florida impose fines on state officers charged with the administration of these laws who are remiss in their duty. Texas exacts a fine up to $200 from any election official who fails to require the prescribed loyalty affidavits of all candidates for office. The Florida statute carries a maximum fine of $500 and/or imprisonment for six months for any state official who allows a subordinate to retain a position in violation of the law.

Criminal statutes to repress Communists were passed in Kansas and Maryland. The Kansas law declares felonious four types of activity:

1) Knowingly to advocate, abet, advise or teach the duty, necessity, desirability or propriety of overthrowing government in the United States by force or violence or by the assassination of a public official;
2) To publish, edit, sell, distribute or publicly display any written matter advocating the violent overthrow of government or political assassination with the intention of causing the overthrow of government;
3) To organize or help to organize any group teaching, advocating or encouraging the violent overthrow of government;
4) To become a member of, or to affiliate with, any such group, knowing its purpose.[28]

The statute further declares conspiracy to commit any of the acts specified to be a crime. Violation of any provision of the Act is punishable by a fine of $10,000 or imprisonment for ten years or both.

In its criminal provisions Maryland's Ober Act defined two types of offenses—attempts to alter the constitutional system of government at the state or national level by "force, violence, or revolution" and attempts to establish in the United States a government subservient to a foreign power. Under this law one can commit a crime in any of the following ways:

1) Participation in acts intended to effect, or to aid in effecting, change in government by violence;

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[27] The Kansas statute provides maximum penalties of a $10,000 fine and/or 10 years imprisonment; that of Massachusetts, $10,000 and/or one year. The loosely drawn Massachusetts law appears to permit the exaction of this stiff penalty if a public employee fails to file a copy of his oath with the proper official.

[28] The language of the statute, though paraphrased for brevity, is generally adhered to in this passage.

2) Urging such change when one's words are uttered under circumstances in which they "constitute a clear and present danger to the security of the United States, or of the State of Maryland. . . . ";
3) Participation in an organization advocating change in government by violence;
4) Participation in an organization under foreign control which seeks to establish in place of existing state and national governments a government dominated by a foreign power.

Subversive organizations and foreign subversive organizations were banned in the State by the Ober Act. The former are defined as organizations "a purpose of which is to engage in or advocate, abet, advise or teach activities intended . . . to assist in the overthrow, destruction, or alteration of, the constitutional form of the Government of the United States, or of . . . Maryland . . . by revolution, force or violence." The latter are organizations "directed, dominated, or controlled directly or indirectly by a foreign government" which seek by any means (violent or not) to substitute for existing state and national governments a form of government under the control of any foreign government, organization, or individual. An organization of either type, the law provided, is to be dissolved after being found illegal in a judicial proceeding, and its property forfeited to the State.

Any person convicted of crime under this Act automatically becomes ineligible to vote or to run for, or hold, public office in the State. In addition to this mandatory penalty, the statute authorizes a maximum fine of $20,000 and/or a maximum prison sentence of twenty years for any offense other than mere membership in a proscribed organization. Rank-and-file members of forbidden groups can be fined no more than $5,000 or given a sentence of not more than five years or both.[29]

To provide continuous enforcement of its provisions, the Ober Act created a new officer and gave him the equivocal title of Special Assistant Attorney General in charge of Subversive Activities. This functionary is to devote his time to the conduct of investigations and the collection of evidence relating to subversive activity within the state. The information which he gathers is to be turned over to grand juries as a basis for criminal proceedings.

SOME CONSTITUTIONAL ISSUES

Three of the laws described have been tested in state courts,[30] but only in New Jersey has any conclusive decision been rendered at the time of this writing. There the candidates of the Progressive Party for state offices brought suit to prevent the execution of the provisions of the Tumulty-Mehorter Act which required them to take a loyalty oath.[31] The relief they requested was granted by an intermediate appellate court in the state's judicial system[32] in a decision which was affirmed by the Supreme Court of New Jersey.[33]

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[29] In order to convict a member of an illegal organization, the member's knowledge of the group's illegal purpose must be proved.

[30] In a fourth state, Massachusetts, an abortive proceeding took place. A judge of the State Supreme Court denied the petition of the leaders of the Communist Party of the State to enjoin state officials from enforcing the loyalty law. The validity of the law was

The decision of the New Jersey courts was grounded solely on the incompatibility of the oath with the provisions of the state constitution. Whether the Act violated the national constitution was ignored as unnecessary to the resolution of the question the case presented.

The requirement of a special pledge of loyalty from office-holders and candidates was found in conflict with the provisions of the state constitution prescribing an oath of office. "By prescribing an oath intended to secure fidelity to our constitution . . . and also the faithful discharge of official duties, the framers of our constitution denied to the legislature authority to devise any other oath. . . . The legislature cannot authorize the omission of the oath or any part of it, or the addition of other clauses or of another oath." The oath required of members of the legislature is set down in the constitution. In the case of other state officers, the constitution "sets forth the ground to be covered by the oath" required of them without prescribing it verbatim. Of them the legislature can require no oath "that does not come within what the constitution prescribes."[34]

A lower state court in Maryland found the Ober Act ambiguous in many of its provisions, a bill of attainder, an abridgement of the "freedoms of the First and Fourteenth Amendments," and a violation of sundry other provisions of the state constitution.[35] Here, as in New Jersey, the requirement of a pledge of loyalty from officeholders and candidates for office was found to conflict with the constitutional prescription regarding the oath of office.[36] This decision was overruled,

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not passed on. The complainants have not so far taken advantage of the opportunity to argue their petition. *New York Times*, October 20, 1949, p. 26.

[31] By a special dispensation granted by the Act for the 1949 elections only, the names of candidates who refused to execute the oath were permitted to appear on the official ballot with the notation beside them, "Refused oath of allegiance."

[32] *Imbrie v. Marsh*, 68 Atl. Rep. 2d 761 (1949).

[33] *Imbrie v. Marsh*, 71 Atl. Rep. 2d 352 (1950).

[34] *Imbrie v. Marsh*, 68 Atl. Rep. 2d, 761–765, at 764 (1950).

[35] *Lancaster v. Hammond, Frankfeld v. Hammond,* Baltimore Circuit Court #2; Sherbow, J., *Daily Record* (Baltimore), August 16, 1949.

[36] Maryland's constitution, unlike New Jersey's, contains the express prohibition: "nor shall the legislature prescribe any other oath of office than the oath prescribed by this Constitution." *Declaration of Rights*, Art. 37.

however, by the state's highest court on a jurisdictional issue. The Maryland Court of Appeals denied the capacity of the complainants in the case to challenge the law's constitutionality since the law had not been enforced against them.[37]

New York's Feinberg Law was pronounced unconstitutional by two judges of the Supreme Court of the State in separate proceedings.[38] The statute was condemned for establishing guilt by association. It made membership in an organization listed by the State Board of Regents as subversive prima facie evidence of unfitness to teach in the school system. No proof that the teacher subscribed to the subversive purposes of the organization or indeed even knew of them was required to create the presumption of unfitness. Both Courts held that the law denied certain procedural rights by failing to assure a full hearing and a right of appeal for individuals caught in its meshes. One of the justices discerned several other flaws in the law, pronouncing it void because it was a bill of attainder, a violation of the guarantees of free speech and assembly, and because the standards of subversion which it relied on were vague. On appeal both of these decisions were reversed by tribunals of the Appellate Division of the Supreme Court.[39] "There is no constitutional right to be a teacher . . . ," one of the appellate courts asserted, summarizing the basis on which the reversal of the finding of unconstitutionality rested.

A taxpayers' suit contesting the validity of the Ohio law denying unemployment compensation to members of subversive organizations resulted in a decision upholding the legislation. Declaring unemployment benefits "a gratuity furnished by the state," the inferior state tribunal which rendered the decision held that the law imposed "a reasonable condition to be complied with" by the unemployed.[39a]

From these decisions emerge the major constitutional questions raised by Communist-catching legislation. Designating those at whom the law is aimed is one problem. If a law bluntly singles out Communists by name, it risks being pronounced a bill of attainder. If it strives to describe Communists by their characteristics, it may be struck down for ambiguity.

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[37] *Hammond v. Lancaster*, 71 Atl. Rep. 2d 474 (1950); *Hammond v. Frankfeld*, 71 Atl. Rep. 2d 483 (1950).

[38] *Thompson v. Wallin, L'Hommedieu v. Board of Regents of the University of the State of New York*, 93 N.Y.S. 2d 274 (1949); *Lederman v. Board of Education*, 95 N.Y.S. 2d 114 (1949).

[39] *L'Hommedieu v. Board of Regents of the University of the State of New York*, 95 N.Y.S. 2d 443; *Thompson v. Wallin*, 95 N.Y.S. 2d 784 (1950); *Lederman v. Board of Education*, 96 N.Y.S. 2d 466 (1950).

[39a] *Dworken v. Collopy*, 91 N.E. Rep. 2d 564 (1950).

Lower courts which found Maryland's Ober Act and New York's Feinberg Law unconstitutional declared them to be bills of attainder though the two laws mentioned the Communist Party only in their preambles.[40] While it is unlikely that these decisions will be followed widely in this particular (this holding of the New York Court was overruled on appeal), they underline a danger awaiting the draftsmen of anti-subversive legislation.[41]

The snare of ambiguity awaits lawmakers who stray far from the time-honored formula, the overthrow of government by force and violence, in a description of the traits of Communists. No disposition has been shown at any judicial level to overturn the ruling in *Whitney v. California*[42] that such language meets the requirement of sufficient clarity to apprize one of what actions are forbidden by the law. Maryland's legislature ventured to add to the "force or violence" formula the word "revolution," an expression which the Circuit Court of Baltimore found vague. Understanding revolution to mean only a sudden drastic change, the Court pointed out that it could be accomplished peacefully and by the ordinary processes of lawmaking.[43]

The basic issue raised by criminal statutes against subversion is whether they violate the guarantees of freedom of speech, press, and assembly. Precedent suggests strongly that laws which prohibit the advocacy of the overthrow of government by violence are on firm constitutional ground.[44] If, however, political change is to be accomplished by peaceful means, by orderly discussion, by ballot, by the established processes of lawmaking and constitutional amendment, urging the change cannot be made an offense without violating the freedoms of the First Amendment.[45]

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[40] Maryland's law mentions the Communist Party in another section, but the Court did not rely on this second reference in reaching its decision.

[41] That statutes other than criminal laws may offend against this provision of the constitution is indicated in *Cummings v. Missouri*, 4 Wall. 277 (1867); *Ex parte Garland*, 4 Wall. 333 (1867); *United States v. Lovett*, 328 U. S. 303 (1946).

[42] 274 U. S. 357 (1927).

[43] Partly on the very same point New Mexico's criminal syndicalism law was invalidated. *State v. Diamond*, 202 Pac. Rep. 988 (1921).

[44] *Gitlow v. People of New York*, 268 U. S. 652 (1925); *Burns v. United States*, 274 U. S. 328 (1927); *Whitney v. California*, 274 U. S. 357 (1927); *Dunne v. United States*, 138 Fed. Rep. 2d 137 (1943), cert. den. 320 U. S. 790, 814 (1943); *United States v. Foster*, 80 F. Sup. 479 (1948). An impressive number of decisions by state courts to the same effect is collected in *American Law Reports Annotated*, Vol. 1, pp. 336 ff. (1919); Vol. 20, pp. 1535 ff. (1922); Vol. 73, pp. 1494 ff. (1931). See also "Criminal Syndicalism and Civil Liberties," *Illinois Law Review*, Vol. 36, pp. 357–361 (1941).

[45] *Fiske v. Kansas*, 274 U. S. 380, 386 (1927); *Stromberg v. California*, 283 U. S. 359, 369 (1931); *Herndon v. Lowry*, 301 U. S. 242, 258 (1937); *Schneidermann v. United States*, 320 U. S. 118, 137 (1943); Zechariah Chafee, Jr., "The Constitutional Right to Advocate Political, Social and Economic Change," *Lawyers' Guild Review*, Vol. 7, pp. 57–79 (1947).

Whether the clear and present danger rule limits the application of a statute punishing subversive talk is a question that cannot be answered with assurance. May one be punished for words advocating violent revolution when there is no danger that his words will erupt into violent acts? An affirmative answer to this query was given by the Supreme Court in the 1920's.[46] But there is room for wondering whether the answer then given was not overruled *sub silentio* in later decisions in free speech cases in which the clear and present danger rule was enunciated in the most sweeping terms.[47]

Uncertainty as to whether the courts would convict for advocating the violent overthrow of government in the absence of a showing of clear and present danger has led legislatures to resort in some instances to the device of embodying in their anti-Communist laws a finding that Communism constitutes a clear and present danger to the safety of the United States. Section 2 of the Mundt-Nixon Bill[48] containing such a finding was copied in the Maryland and Florida laws passed in 1949. Such a declaration by a legislative body weighs heavily in the settlement of the constitutional issue, but it does not foreclose the question of whether clear and present danger of the type at which a given anti-Communist law aims actually exists. The judiciary is not precluded from arriving at a contrary finding.[49]

It seems likely that laws which make criminal mere membership in an organization of any type impute guilt by association and are consequently unconstitutional. Although a majority of the Supreme Court in *Whitney v. California* seemed to believe that mere association with an illegal organization was punishable, a contrary view was clearly adopted by later majorities of the Court.[50] Under both the Maryland and Kansas laws mere membership in a prohibited organization is not enough for conviction, for knowledge of the organization's illegal purpose must be established as well. The provision "knowing the purposes thereof" is probably the saving clause of both laws.

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[46] In the *Gitlow* case (and, by implication, in the *Whitney* case), note 44 above.

[47] For example, " . . . freedoms of speech and press, of assembly and of worship . . . are susceptible of restriction *only* to prevent grave and immediate danger to interests which the State may lawfully protect." *West Virginia Board of Education v. Barnette*, 319 U. S. 624, 639 (1943).

[48] 80th. Cong., 2d session, H. R. 5852 (1948).

[49] That the present mood of the Supreme Court is to treat respectfully the findings of the legislature about Communism is indicated in *American Communications Association v. Douds*, 339 U. S. 382 (1950).

[50] *Schneidermann v. United States*, 320 U. S. 118, 136 (1943); *Bridges v. Wixon*, 326 U. S. 135, 163 (1945); *United States v. Korner*, 56 F. Sup. 242, 251 (1944); T. I. Emerson and D. M. Helfeld, "Loyalty Among Government Employees," *Yale Law Journal*, Vol. 58, pp. 1–143 (1948); "Guilt By Association—Three Words in Search of a Meaning," *University of Chicago Law Review*, Vol. 17, pp. 148–162 (1949).

Laws which bar subversive individuals from public employment present somewhat different questions from the foregoing. It is not necessary to brand one a criminal in order to exclude him from the government payroll. There can be no doubt about the constitutionality of excluding from public employment a typist whose only offense is inability to spell correctly. Restrictions on political activity and many other sorts of disabilities, which could not constitutionally be imposed upon the general public, have been laid upon government employees with the approval of the judiciary.[51] The broad scope of legislative power in this regard has been justified by judges on the theory that there is no right to a position on the public payroll. When passing on the validity of restrictions placed on public employees, courts invariably cite the apothegm of Justice Holmes found in his decision that a policeman may be dismissed for political activity: "The petitioner may have a constitutional right to talk politics; but he has no constitutional right to be a policeman."[52]

Yet, no doubt, there are limits to the power to exclude from public employment. A law which barred Negroes or Catholics or natives of Missouri from public jobs would have no chance of surviving a court test. Somewhere the First and the Fourteenth Amendments (and probably the Fifth as well) establish a boundary to the power to keep classes of people out of the public service. The Supreme Court will not disturb the barriers to public employment erected by legislature and executive except where the test of eligibility is arbitrary and lacks any reasonable relation to the maintenance of honesty, efficiency, and impartiality in government service. Few instances are to be found in which judges have upset restrictions on the activities of public employees, even when such restrictions collide with the freedoms of the First Amendment.[53] Consequently, there is little reason for expecting that the various devices used to exclude subversive individuals from public employment will be invalidated by the judiciary in many states.[54]

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[51] "Restrictions on the Civil Rights of Federal Employees," *Columbia Law Review*, Vol. 47, pp. 1161–1189 (1947); "Constitutional Limitations on Political Discrimination in Public Employment," *Harvard Law Review*, Vol. 60, pp. 779–786 (1947).

[52] *McAuliffe v. City of New Bedford*, 155 Mass. 216, 220 (1892).

[53] The question is discussed in *Ex parte Curtis*, 106 U. S. 371 (1882); *Heim v. McCall*, 239 U. S. 175 (1915); *Crane v. People of New York*, 239 U. S. 195 (1915); *United Public Workers v. Mitchell*, 330 U. S. 75 (1947).

[54] Though the loyalty program of the national government has not yet reached the Supreme Court, it has proved immune to every attack made upon it in lower federal courts. *Friedman v. Schwellenbach*, 159 Fed. Rep. 2d 22 (1946), cert. den. 330 U. S. 838 (1947); *Joint Anti-Fascist Refugee Committee v. Clark* (*McGrath*), 177 Fed. Rep. 2d 79 (1949), cert. granted 339 U. S. 910 (1950); *Bailey v. Richardson*, CCA, DC, March 22, 1950 (not yet reported). The Los Angeles County loyalty program was upheld by an inter-

A rather strong constitutional objection might be urged, however, against laws keeping subversive individuals out of occupations outside government employment. Samples of this type of restriction are the Kansas and New Hampshire laws applying to teachers in private schools and the New Jersey law applying to attorneys. In fields such as these courts might require that laws which exclude individuals on the basis of their political beliefs be justified by a showing of clear and present danger. Freedom to follow a lawful occupation has long been recognized as protected by the Fifth and Fourteenth Amendments. This freedom, coupled with freedom of speech, it might be argued, enjoys a preferred status. Certainly the considerations which give government great latitude in laying down requirements for its own employees carry less weight when applied to fields outside government employment. It would be rash, however, to expect courts in this period of cold war to interfere even with legislation of the character here under consideration. The recent decision of the Supreme Court upholding the non-Communist oath of the Taft-Hartley Act shows the majority of the Court willing to approve laws which prohibit Communists from "holding positions of power and public interest."[55] What positions besides that of labor union officer fall in this category can be at present only a matter of speculation.[56]

III. A FEW QUESTIONS OF POLICY

In none of the states which enacted anti-subversive laws in 1949 was any need for the legislation demonstrated. Texas had one known Communist student in its state universities and colleges. Maryland, the Ober Commission asserted, was infested with 2,700 Communists (out of a total population of about 2,000,000), but only one had held any public position in the recent past, and that as a kindergarten teacher in the Baltimore schools; this teacher was dismissed in 1948. The revelations that came from Whittaker Chambers were cited by the proponents of the Maryland law to support the contention that the law was needed, but no evidence was offered of dangerous Communist activity within the state since this case of espionage, which had occurred more than a decade earlier. A survey made by the *New York Times* in Sep-

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mediate appellate court in California. *Steiner v. Darby, Parker v. Los Angeles County,* 199 Pac. Rep. 2d 429 (1948), 338 U. S. 327 (1949). In an advisory opinion the Supreme Court of Alabama upheld the constitutionality of a proposed loyalty oath for all voters in the state. *Opinion of the Justices,* 40 So. Rep. 2d 849 (1949).

[55] *American Communications Association v. Douds,* 339 U. S. 382 (1950).

[56] That Communists may be excluded from the practice of law is suggested by the decision in *In re Summers,* 325 U. S. 561 (1945) and decisions of state courts collected in *American Law Reports Annotated,* Vol. 8, pp. 1262 ff. (1920); Vol. 12, pp. 1189 ff. (1921); Vol. 19, pp. 936 ff. (1922).

tember, 1949, disclosed that no Communist problem existed in the school systems of twenty-nine of the nation's largest cities; the school authorities of New York City replied to the *Times* only that they were setting up procedures to put the Feinberg Law into effect.[57] Governor Dever of Massachusetts declared that, to his knowledge, there were no Communists in the ranks of his state's employees.[58] Vague apprehension and guarded innuendo were often expressed by the supporters of anti-Communist laws.[59] But a study of major newspapers in ten of the states concerned during the period when these laws were under discussion yields the following conclusions. Proponents of the anti-subversive laws here discussed failed to name a single Communist employed by their states in 1949. They failed to cite a single dangerous act recently perpetrated by Communists within their states.

Inquiry into the operation of the 1949 legislation, after it had been in effect for about one year in most cases, confirms the suspicion that there was no pressing need for the legislation. No move had been made to prosecute anybody under the criminal provisions of the Maryland and Kansas laws. Only in Maryland had any one required to execute a loyalty affidavit refused to do so. No one was prosecuted anywhere for filing a false affidavit. Nothing resembling a Communist was turned up anywhere as a result of the operation of these laws.[60] The only tangible effect of the legislation to date has been added work for file clerks who handle the loyalty declarations.

These laws were a reaction to the irritating and menacing gains made by Communism in Europe and Asia since the War. Maryland and Florida in their laws spoke of "the recent successes of world Communism." Probably in all the states the greatest impetus to the passage of the legislation surveyed here was supplied by veterans' organizations, motivated in great part by considerations of national defense. Their chief argument against domestic Communists seems to have rested on the potential danger of a fifth column in the United States in the event of war with Russia.[61] In Maryland (and perhaps in other states with a large Catholic population) the trial of Cardinal Mindszenty was influential in rallying support to anti-Communist legislative proposals.[62] The point is that it was largely Communist activity abroad, and not such activity within our states, that caused concern.

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[57] *New York Times*, September 11, 1949, p. 74. In May, 1950, eight teachers in the public schools of New York City were suspended on suspicion that they were Communists. Action against them was not based on the Feinberg Law. *New York Times*, May 4, 1950, p. 1; May 7, IV, p. 13; May 10, p. 33; June 13, p. 1; July 11, p. 15.

[58] *Boston Herald*, August 3, 1949, p. 14. Governor Dewey (N. Y.) and Governor Lane (Md.) likewise failed conspicuously to show enthusiasm for the anti-subversive laws passed in their states.

[59] Two Texas legislators made the following comments on the solitary Communist student known to them. "He's not just representing his viewpoint. Somebody a lot smarter is behind him." "I have reason to believe there are many of them at the University of Texas, and maybe some teachers. If I had my way, we'd escort them to the border." The Feinberg Law spoke of the "common report" that Communists were in the school system. Maryland's Ober Commission reported, "The Commission had been informed that there is a substantial infiltration in some Maryland educational institutions." The informant was not disclosed.

[60] These statements are based on information furnished to the writer by the legislative reference services of the states concerned. Replies were received from all the states addressed except New Mexico. In Maryland four state employees—three of them Quakers—refused to execute the loyalty declaration and were dismissed from their positions.

In general these laws were enacted in haste and without careful deliberation. Only in Maryland where the law was formulated by a special commission, are there signs that care was devoted to the drafting of the acts. Hearings on the legislation rarely occurred. Most of these laws were simply copied by earnest legislators from somebody else's statute book. One result of precipitous haste and careless draftsmanship is the general omission of provisions to regulate procedure under the laws. Safeguards against arbitrary persecution, guarantees of a fair hearing and of a right of appeal are almost wholly lacking. In some states protection against abuses may be granted by other statutes, but that such protection exists is often dubious.[63]

Certain of the laws are so vague in their description of those they would proscribe that they open the door to the punishment of any kind of dissent. The Georgia law excluding from public employment any who have lent their influence to the teachings of Communism without defining those teachings is a sample. Another is the oath required of candidates in Texas disavowing belief in any "movement from any source which seeks to subvert or destroy . . . any part" of "our present representative form of government." Movements to effect almost any sort of political change (abolition of the poll tax, the redrawing of boundary lines between legislative districts) could be construed as attempts to destroy the *present* representative form of government enjoyed by Texans.

The main objection to state anti-Communist laws is that they are misdirected. Communism is, as several states declared, a clear and present danger to the United States. But the form of the danger is such that our states are not equipped to cope with it. Communism threatens us because it is disrupting world peace. It may precipitate armed conflict.[64] Even if it does not, nothing worthy of the name of peace can be achieved as long as Communism seeks to absorb other states by threat and ruse, refuses to respect the basic rules of good faith in its dealings with other states, and violates men's rights. The great problems with which Communism confronts us are problems of foreign relations and national defense. Our Constitution wisely leaves the solution of such matters to the national government.

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[61] Experience in the United States and in other countries gives ground for apprehension on this score. But prevention of espionage and other forms of fifth column activity must be undertaken by the national government rather than by the states.

[62] Many state legislatures in 1949 adopted resolutions of protest against the trials of Mindszenty and the Protestant clergymen in Bulgaria.

[63] The lack of such protection under New York law is treated by Justice Murray Hearn in *Lederman v. Board of Education,* 95 N.Y.S. 2d 114 (1949).

[64] These words were written before the outbreak of hostilities in Korea.

GOVERNMENT AND WATER RESOURCES

INTRODUCTION

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This symposium raises, and to some extent answers, the question of government's capacity to formulate and implement water resources programs. It is concerned with one of the crucial areas of public policy. Unless recent trends are misleading, water is bound to play an increasingly strategic role in such diverse fields as national and regional industrial development, the raising of the standard of living, the growing of foods and fibers, transportation, public health, commercial fishing, public recreation, and the maintenance of great cities. It seems a reasonable expectation of the public that government should not be all thumbs in handling so important a lever of economic and social development. Unhappily, the contributors to this symposium have discovered only a rudimentary development of other digits.

II

These articles appear at a time of a wide-ranging reassessment of the Federal Government's water resources policies and organization. The Hoover Commission's report on the Department of the Interior and the Commission's admirable task force report on natural resources, both published in 1949, are as yet largely unimplemented by the President and Congress. The recommendations for a review board in the President's Office and for a Water Development and Use Service in the Department of the Interior, which would absorb the rivers and harbors and flood control work of the Army Corps of Engineers, remain on the agenda for future consideration. Policy, as well as organization, is being examined anew. On January 3, 1950, the President established by Executive Order No. 10095 the President's Water Resources Policy Commission, which is to submit its final report by December 1, 1950. The report is to include recommendations with respect to "Federal responsibility for and participation in the development, utilization, and conservation of water resources, including related land uses and other public purposes to the extent that they are directly concerned with water resources." The Commission is to give consideration in particular to "(a) the extent and character of Federal Government participation in major water-resources programs, (b) an appraisal of the priority of water-resources programs from the standpoint of economic and social need, (c) criteria and standards for evaluating the feasibility of water-resources projects, and (d) desirable legislation or changes in existing legislation relating to the development, utilization, and conservation of water resources."

The articles that follow are designed to examine the effectiveness with which government is organized for its water resources responsibilities. At the same time, they throw light on more general issues of government—particularly the legislative process, organization of the executive branch, field administration of Federal agencies, and Federal-state-local relations. Issues of this character often gain a new dimension by being viewed in relation to a specific area of public policy. In this instance, Professor Maass, using the navigation and flood control work of the Army Corps of Engineers as a case study, provides a devastating critique of the way that Congress discharges its share of responsibility for planning and development of water resources. Underlying that is an illuminating exploration of the alliances among Congressmen, pressure groups, and administrative agencies, and the bearing of these alliances on general concepts of the role of Congress and of the President. President White demonstrates the great lag in the adjustment of governmental institutions to such widely recognized needs as multiple-purpose projects and basin-wide planning. He and Professor McKinley point up the technical problems of water and land management that provide the inescapable premises for government organization at Washington and in the field, and Professor McKinley thoughtfully probes the problems in articulating regional and national programs. Professor Lepawsky directly ties the distribution of water resources functions between the Federal Government and the states to the practical test of the states' demonstrated qualifications for water resources responsibilities. These questionings of existing and proposed governmental arrangements are specific and penetrating in a way that is possible only in the setting of a particular policy area. They advance, at the same time, our understanding of general issues of government organization and our sensitivity to the distinctive problems that arise in gearing government to its water resources responsibilities.

CONGRESS AND WATER RESOURCES*

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Should Twitch Cove, Maryland, be improved at Federal expense for the protection of the few crabbers who live near this Eastern Shore community? This past May, Congress decided yes; they confirmed a recommendation of the Chief of Engineers, U. S. Army. The United States Engineer Department, as the Corps of Engineers is called in the exercise of civil functions, recommended in favor of Twitch Cove after evaluating alternative plans of improvement and selecting that one which appeared to balance best the factors of "economic feasibility"—i.e., the ratio of benefits to costs, "engineering feasibility," and the "desires of local interests."

This last item is of interest for the moment. For any major improvement, even for Twitch Cove, there will be many groups of "local interests," and their

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* Documentation for parts of this paper is to be found in the author's *Water Resources Development* (unpublished manuscript, 1949, Harvard University). This work will be published by the Harvard University Press in the near future. Sources are consequently cited in notes only where important documentation is not to be found in the manuscript.

"desires" will differ, may even conflict. Thus, the Engineers seek to adjust these interests and to come up with a recommendation that will maximize the total desires of the community.

Congress for a great number of years has followed a procedure of legislative self-restraint with respect to water resources developments. It will not authorize any improvement which has not received a favorable report from the Chief of Engineers. And since the Engineers attempt to maximize local desires, it may be said that Congress has transferred important responsibility for the adjustment of group interests from its own body to the U. S. Engineer Department, an executive agency.

The Engineers have recognized the nature of the responsibility which Congress has delegated to them. They have conducted their organization and operations in a manner designed to allow a rather full articulation of local group interests. The project planning procedure, from the time Congress authorizes the Corps to undertake an examination of a given area, involves twenty distinct stages at which group interests are able to present their views to the Corps. At three of these twenty, public hearings are regularly provided for; at two additional stages, Engineer Department instructions require consultation with local interests; and at the remaining fifteen, the extent of consultation varies with particular circumstances, but the necessity of a constant awareness of the current attitudes of local interests is emphasized in all Engineer Department publications.

Recently, the Chief of Engineers said:

> The authorization of a river and harbor or flood control project follows a definitely prescribed, democratic course of action. It is based upon the activation of the desires of local interests, who are most vitally interested. Local interests, as individuals or groups through the actions of their representatives in Congress, make request for an item to be included in a rivers and harbors or flood control bill (i.e., authorization to conduct an examination) . . . . The District Engineer, mindful of the need for developing all public opinion, holds an open public hearing at which not only those interests that are active in obtaining the authorization of the proposed work but also all other views are obtained and encouraged. Having thus developed the desires of the local citizens, the District Engineer makes a study . . . .

I. PRESENT ARRANGEMENTS AND THE LEGISLATIVE PROCESS**

Several important consequences for the legislative process flow from this project planning procedure. These include the participation by members of

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** Arrangements relating to Congress, the Corps of Engineers, and the President are discussed. No effort is made to deal in any detail with the relations of Congress and the Bureau of Reclamation because of space limitations and the fact that Corps arrangements constitute the more controlling factors in legislation for water resources. This has become more the case in the last few years. Where the Bureau and the Corps have been in competition since 1936, the Secretary of Interior has sought support of the President's office to offset support which the Corps has gotten from Congress. But even with the President's support, the Secretary has not had great success in getting his programs adopted. As a result, the Bureau of Reclamation and its supporters in Congress, the Western irrigation bloc, have begun to use the same legislative techniques which have meant

Congress in the "executive" planning process; legislation by committee resolution; service by the Corps of Engineers as consultants to, and contractors for, the Congress, certain congressional committees, and individual members of Congress; by-passing of the President and friction among executive agencies; and the interlocking of pressure groups, the Corps, and members of Congress.

Though Congress as a group has largely disassociated itself from the process of project planning by transferring responsibility for adjustment of group interests to the Engineer Department, individual members of Congress have not been so abstentious. Representatives and Senators, knowing they cannot obtain congressional authorization for the projects they are sponsoring without a favorable report from the Engineers, have attempted to pressure them into approving these projects by appealing to District Engineers and to the Board of Engineers for Rivers and Harbors in Washington in public hearings.

The following quotations from members of Congress indicate the importance which the legislators attach to their appearances at Engineer Department hearings:

> Rep. Dockweiler (Calif.). I have appeared before the Board of Army Engineers in behalf of a harbor in my district and I made what I thought was a pretty good case for improvement of Santa Monica Harbor . . . . And I think the conclusion of the Board of Army Engineers was that no work should be done there because there was not enough business there. . . .
>
> Of course we must abide by the decision of somebody, and the Army Engineers decided against me in that case.

> Rep. Harris (Ark.). Mr. Speaker, the Army Engineers, of the Vicksburg district, who are doing a fine work in that area (*sic*), held a public meeting at Hot Springs, Ark., Friday, December 12, investigating the construction by the Federal Government of Blakely Mountain Dam and Reservoir, on the Ouachita River. I had accepted their invitation to appear before the engineers at that meeting, but, due to the emergency and declaration of war, I did not have the privilege. My remarks, however, were read for me and I insert them here in the *Record.*
>
> Colonel Sturgis and gentlemen, on behalf of the people of the Seventh District of Arkansas, I am glad to appear before you in the interest of the construction of the Blakely Mountain Dam and Reservoir for flood control and power development. Needless to say the greater part of the Ouachita River in Arkansas runs through my district, affecting directly 8 of the 11 counties. . . .
>
> I wish to express my appreciation and the appreciation of the people throughout this whole area for the fine work the Army engineers are doing in the development of these projects for flood control and power facilities as well. The people are intensely interested and not only asking but pleading for this protection and development. . . .

If the Engineers submit an unfavorable or partially favorable report, the proponents of a project seek a reexamination, for the Congress will, as noted, not authorize an improvement without a favorable Corps recommendation. At the same time, the Corps by law may not initiate a survey unless Congress has spe-

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such "success" for the Engineers. Adoption of these techniques has been limited, however, by the fact that support of the reclamation program of the Bureau is restricted in Congress to the Western bloc; whereas support of the navigation and flood control programs of the Corps is found in representatives from all areas.

cifically authorized it, usually in an omnibus rivers and harbors or flood control bill. However, to make it easier for members of Congress to require the Engineers to reexamine unfavorable reports in the hope that "changed conditions" may justify a favorable recommendation, the Congress has devised a truly unique procedure amounting to legislation by committee resolution.

After a report of the Chief of Engineers is one year old, any Representative or Senator may present a resolution to the appropriate congressional committee[1] which, if adopted by the committee, requires the "Board of Engineers for rivers and harbors . . . to review the report with a view to determining whether any modification should be made at this time in the recommendation heretofore made." The committee resolution has the effect of law, and, it should be noted, is not subject to presidential veto.

Review resolutions have been quite common. As the Congressmen proposing the reviews enjoy no opposition to their requests in most cases, and as the Engineer Department has not been called upon often to report on the desirability of conducting reviews, the committees have been disposed to grant the requests, on occasion disregarding even the one-year waiting period. It is physically impossible for any one member of a committee to be informed on the history of all navigation and flood control projects. The Representative from Arkansas, for example, in all probability never heard of Mill Creek, Virginia, to say nothing of having any judgment as to whether or not the Engineers should be asked to review the report on this Creek; he will vote, Yes. Of 83 investigations completed by the Corps in fiscal year 1946, 20 were authorized by regular legislation and 63 were reexaminations submitted in response to committee resolutions.

The new House Committee on Public Works in 1947 resolved to cut down on this indiscriminate use of legislation by committee resolution. It adopted a rule extending the waiting period to three years and requiring the Chief of Engineers to report on the estimated costs of conducting the proposed reviews. The Senate Committee failed to follow suit.

It is difficult to evaluate the review resolution as a technique for pressuring the Corps to give its approval to the projects which the members of Congress desire. Available data, however, are rather impressive in showing the importance of the resolution in getting water projects approved, expanded in scope, or modified in terms of reducing the local contributions required.

The Congress, in its long history of legislating internal improvements, has developed close relations with the Corps. (The Corps was the engineering department of the Government which planned and executed the national internal improvement programs of the 1820's.) Congress considers the Corps to be *directly* responsible to it. By resolution Congress directs the Board of Engineers for Rivers and Harbors, an advisory board to the Chief of Engineers, to conduct reviews of surveys. It does not direct the chief executive officer, the President; nor does it even provide the President with an opportunity for veto.

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[1] In the House, Committees on Rivers and Harbors or on Flood Control prior to 80th Congress; now Committee on Public Works. In the Senate, Committee on Commerce prior to 80th Congress; now Committee on Public Works.

The Corps concurs heartily in this relationship. The Engineers call themselves "the engineer consultants to, and contractors for, the Congress of the United States." The theoretical consequences of such a direct legislative-agency relationship are familiar to students of government and administration; they need not be repeated here.[2]

As might be expected, Congress as a whole is not equipped to exercise direct responsibility over the conduct of Engineer Corps civil functions. It is rather certain congressional committees—those with competence over navigation and flood control matters—that attempt to hold the Corps accountable. It is to them that the Engineers are directly responsible. Witness the review resolution procedure in which Congress in effect allows a committee to legislate for it.

Traditionally members of Congress from the Mississippi delta area, where flood protection, drainage, and river navigation problems assume great importance, seek positions on the committees which handle Corps legislation. Through regular re-election they attain positions of seniority. Will M. Whittington of Mississippi, chairman of the House Committee on Public Works, was for years prior to the establishment of this committee chairman of the Committee on Flood Control. Judge Whittington, a hard hitting committee chairman, has always had Corps legislation closely under his control. More than anyone in the executive or legislative establishments, he is in close contact with, and almost in a position of supervision over, the Chief of Engineers and the USED. Until his recent death, John Overton of Louisiana was number one man in the Senate on navigation and flood control legislation.

Direct relations between these committees of Congress and the Corps have developed into a close identity of interests between the two. The Committees on Public Works feel a proprietary interest in the Corps of Engineers and in the direct relations which prevail. In terms of policies for the development of resources, the important consequences of this will be stated later.

In some respects the Engineer Department is more nearly responsible to individual members of Congress directly than to Congress as a whole or to certain congressional committees. It is the member of Congress who initiates the legislative proposal for survey; he is first contacted by the District Engineer to determine the scope of the desired improvement and interested parties; he is first to be informed of any change in the status of the investigation. The nature of the authorization process—the enactment of omnibus rivers and harbors and flood control bills—is such as further to encourage direct responsibility to individual Congressmen. When hearings are held by congressional committees on favorably reported projects to be included in omnibus bills, the testimony of the member of Congress from the district in which the project is located is usually corroborated and supplemented by the Army Engineer present at the hearing. All of these techniques have led to a sense of direct responsibility on the part of the Engineer Department to the individual member of Congress.

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[2] A recent restatement of the major issues by Laurence I. Radway and this author can be found in "Gauging Administrative Responsibility," *Public Administration Review*, Vol. 9, pp. 182–193 (1949).

Direct relations between Congress and the Corps mean, of course, that the Engineers by-pass the President. This is obviously bad, for the only place where related executive functions can be coordinated effectively is in the President's office. Prior to the 1930's there was no major problem as most river improvements were for single purposes and did not impinge directly on the activities of other agencies. In the early '30's, however, the Corps began planning multiple purpose projects throughout the country involving flood control, power, irrigation, drainage, and other uses, and coordination in order to produce the best multiple purpose plan for the development of major drainage basins seemed essential. The history of resources legislation and of the development of planning procedures between 1934 and this date constitutes very largely the history of efforts by Presidents Roosevelt and Truman to break down direct agency responsibility to the Congress and to substitute for it a pattern of responsibility to the Chief Executive. Only in these terms can recent developments in the resources field be interpreted.

The agency with which the Corps has had greatest friction due to lack of coordination is the Bureau of Reclamation in the Department of the Interior. In this inter-agency feud, which has been really intense since 1939, the Corps, for reasons already indicated, has enjoyed the strong support of the Congress. The Secretary of the Interior and the Bureau of Reclamation, on the other hand, have received less consistent congressional support and have sought to balance the advantage of the Corps of Engineers in this respect by obtaining the support of the President and his Executive Office. The general pattern may be expressed as follows: Corps of Engineers+Congress v. Secretary of the Interior+Executive Office of the President.

The fact that Congress as a body has transferred to the Engineers responsibility for adjusting group interests in proposing water developments, but that individual members of Congress continue to take an active part in the planning and adjusting process is revealed in an interesting manner by the national water pressure groups—particularly the National Rivers and Harbors Congress. This comprehensive lobby counts in its membership the "local interests" (state and local officials, local industrial and trade organizations, contractors), the U. S. Congress (Representatives and Senators are honorary members), and the Corps of Engineers (officers of the Corps engaged in rivers and harbors work are all ex-officio members). The members of Congress, though they are in a real sense the lobbied, take a very active part in the Rivers Congress. Today, for example, the President is Senator John McClellan of Arkansas, a member of the Public Works Committee and of the sub-committee of the Committee on Appropriations which handles Engineer Corps funds, and chairman of the Committee on Expenditures in the Executive Departments—to which the Hoover Commission recommendations proposing reorganization of the Corps of Engineers have been referred. McClellan, as a member of the Hoover Commission, dissented from those recommendations which would divest the Army of rivers and harbors functions. The national vice presidents of the pressure group are Senator Wherry of Nebraska, Republican floor leader and a member of the Appropriations sub-committee on Engineer Corps funds; Representative Whittington of Mississippi, identified earlier; and Representative Case of South Dakota, a member of the Committee on Appropriations and, at the time of his selection as vice president, of the subcommittee which considered appropriations for the Corps.

In the past the ex-officio members, officers of the Corps, also have taken part in the proceedings of the lobby, though today they are somewhat more circumspect. The Rivers Congress remains, however, the most active pressure group in support of the USED.

Perhaps the most interesting and important aspect of the Rivers and Harbors Congress is the work of the Projects Committee. When the National Congress was formed in 1901, its slogan was "a policy, not a project." The purpose was not to urge any specific waterway improvements but to interest the public and the Federal Congress in the development of waterways in general. In 1935, however, the Rivers and Harbors Congress reversed its policy, agreed to promote certain waterway improvements actively, and for that purpose organized a Projects Committee. The Committee meets once a year for several days preceding the annual convention to act upon all applications for endorsement. It holds hearings on each project, classifies it in one of several orders of priority, and presents its recommendations to the full Rivers and Harbors Congress for adoption.

Senators and Congressmen who are sponsoring waterway improvements in their districts appear before the Committee in order to obtain from that organization of which they are honorary members favorable recommendations for their projects. The following excerpts, in the April, 1940, issue of the *National Rivers and Harbors News*, are from a report of the annual meeting of the Projects Committee:

> Congressman Joe Hendricks of Florida presented testimony on the Cape Canaveral Harbor, which he stated will serve the $5,000,000 citrus fruit belt, which is now without proper harbor facilities.
>
> Congressman John Jennings, Jr. of Tennessee, urged approval of the project for the construction of dams in the vicinity of Oakdale and Harriman, Tennessee.
>
> Representative Edith Nourse Rogers, of Massachusetts, asked approval of the Merrimac River project. The project will help protect the city of Lowell, Massachusetts from disastrous floods, as well as the rest of that area, she said.

It is difficult to place a value on the general effectiveness of the Rivers and Harbors Congress because of the fact that it serves as a clearing house for uniting and coordinating the activities of local and sectional interests. The Congress itself puts forth bold claims as to its influence:

> The influence of the National Rivers and Harbors Congress has been perhaps a more controlling force on legislation approved than that of any other organization . . . . Thus far there has been no adverse criticism of any of the recommendations made by the Congress in its resolutions and reports, and virtually every bill passed by the federal Congress for the improvement of harbors and waterways has been composed almost in toto of proj-

> ects previously investigated and recommended by the National Rivers and Harbors Congress.
>
> The [Rivers and Harbors] Congress is the country's oldest and largest water organization and occupies *semi-official status* by reason of its close liaison with the governmental agencies, legislative and executive, responsible for public works. . . .

Though the group may be correct in making these claims, we shall be content to accredit it with being certainly one of the most effective lobbies in Washington today.

II. THE NEGLECT OF WATER RESOURCE PLANNING

To this point we have considered consequences for the legislative process of the manner in which interests are adjusted in the planning of water projects. More fundamental, however, are the effects of these consequences in terms of best development of the nation's natural resources. The planning process has produced two important results: an absence of national plans and policies for water resources and an absence of executive branch arrangements that might develop such plans and policies.

Water planning to date has been characterized by continued emphasis on the localized aspects of individual water projects. This emphasis begins with the requirement that all surveys be authorized by Congress. The members of Congress who propose survey items for inclusion in omnibus navigation and flood control bills usually do so in response to requests of local interests in their districts. These interests often have not the ability to visualize the relationship of the improvements they desire to multiple purpose basin-wide development.

This local emphasis is accentuated by the Corps of Engineers. It seeks to limit the scope of investigations to what was intended by the Congressmen responsible for the particular authorizations. Further, the survey procedure of the Engineer Department is so oriented that each individual water development project is considered almost exclusively in the light of benefits to be derived by the area immediately adjacent to the improvement. This is most often what the local interests desire. Thus, for example, if the benefits from dredging a harbor channel to permit entrance of deeper draft vessels into an east coast Florida port are measured in terms of additional traffic and business for the localized port area, the project will be easier to justify economically than if the benefits were measured in terms of the general effects of the new project on all east coast ports in the vicinity; some of these ports might lose traffic to the newly developed one.

Finally, the procedure for authorizing improvements, the omnibus rivers and harbors and flood control bills, emphasizes individual projects—the pork barrel. Representatives and Senators appear before the appropriate congressional committees, seeking committee approval for projects in their districts which have received favorable Engineer Corps reports. At hearings on the omnibus rivers and harbor bill of 1949, 54 Representatives and Senators from 24 states testified or submitted statements to Representative Whittington's committee; on the flood control bill of the same year, 62 Congressmen from 25 states appeared.

It is not meant to say that there has been no basin-wide planning on the part of Congress and the Corps. In recent years there has been some improvement in this respect, especially for western river basins. But here the broader view on the part of the Corps is inspired primarily by competition with the Bureau of Reclamation, which has traditionally used the multiple purpose basin-wide approach. Concerning waterways legislation, President Truman said to Congress in May, 1950:

> Finally, I urge the Congress to develop more satisfactory procedures for considering and authorizing basin-wide development programs. We are a long way still, both in the executive and legislative branches, from the kind of comprehensive planning and action that is required if we are to conserve, develop and use our natural resources so that they will be increasingly useful as the years go by. We need to make sure that each legislative authorization, and each administrative action, takes us toward—and not away from—this goal.[3]

Today we have no rational national water policy, even apart from the unrelated consideration of individual projects. President Truman recognized this in January, 1950, when he set up a temporary Water Resources Policy Commission under Morris L. Cooke to develop one.[4] Why is this true? Why are we spending hundreds of millions of dollars each year on water developments without a plan?

That ultimate responsibility rests with Congress, there can be no question. But Congress and congressional committees are not equipped to develop a national water plan out of whole cloth. They are admirably equipped to examine, approve, disapprove, and amend any intelligent programs presented to them which focus on the great issues. It is the Chief Executive who is best able to prepare such broad programs and assume responsibility for placing them before the elective body. For the greatest part of water development, however, the President has been short circuited. The Congress and the Engineers work together, but, as related, this combined labor has produced no plan.

The Corps of Engineers in reporting to Congress makes no special effort to point up the broad policy questions or to recommend or encourage the enactment of laws containing a careful definition of national policy in the water field. As the "Engineer consultants to and contractors for the Congress of the United States," they have, they say, no responsibility for initiating policies and broad programs; that is the function of Congress.

The following statement of Secretary of War Henry Stimson, in 1919, illustrates what we would put today into a broader framework:

> When I was Secretary of War I found this situation, and I found that the reports of the Chief of Engineers which came to me were not "Is this an improvement which should be made in view of our particular funds this year—our particular budget this year—and in view of all the improvements in the United States taken at the same time?" but simply and solely "Is this an improvement of a waterway which should be made?" And the Chief of Engineers said he was directed by Congress to report in that way, and this was the way

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[3] Message to Congress in approving H.R. 5472, the rivers and harbors bill. Printed in *New York Times*, May 23, 1950.

[4] White House Press Release of January 3, 1950.

he was going to interpret that, not in comparison with other projects, but simply whether in the millennium it would be a good thing for the country to have that waterway improved. When I said "That does not suit me at all. You come in here with a lot of propositions which you have approved, and you want me to approve, to improve the navigation of such and such a river and such and such a creek and such and such a harbor. I want to know how does that compare with the situation of the whole?" He said, "I have nothing to do with that. I cannot have anything to do with it. Congress will not listen to me on that. They reserve the judgment to do that themselves."

President Roosevelt tried hard to fulfill what he considered his duty—to develop a national water policy and to submit this to Congress for action. He created and supported the National Resources Planning Board and its Water Resources Committee. But in this position the President enjoyed the intense opposition of the Congress and of the Corps of Engineers. The Corps failed to give full and genuine cooperation to the Water Resources Committee in its efforts to develop a policy. It dissented from most policy reports of the Committee, most notably from the important 1941 Report on National Water Policy. The Congress was always unsympathetic to the NRPB; refused, despite frequent personal appeals from the President, to give the Board permanent statutory status; and finally abolished it by denying appropriations in 1943. The single most important reason for congressional opposition to the Board was probably resentment on the part of the so-called rivers and harbors bloc in Congress to any effort by the President to interfere with the direct relations between Congress and the Corps. Furthermore, Congress failed to pay any heed to the policy recommendations of the Water Resources Committee which, though they contained dissents from the Corps, were supported by the President.

Herein lies a lesson for the new Water Resources Policy Commission. The acceptance of its recommendations may turn on the support they can get from the Corps and the congressional Committees on Public Works. The members of the Commission seem well aware of this.

III. CONGRESS AND EXECUTIVE BRANCH ORGANIZATION

The fact that organization for water resources development is so inadequate today is in large part a result of the congressional attitudes we have outlined.

Theodore Roosevelt, Herbert Hoover, Franklin Roosevelt—all have tried to bring rationale into administration of water functions. And all have failed, failed because Congress will brook no interference whatsoever in its direct relations with the Corps. As one writer has said, "The civil functions of the Army Corps of Engineers constitute a veritable Rock of Gibraltar against all executive attempts to introduce any organizational integration of flood control and river development with the land use, irrigation, and electric-power activities of other federal agencies."

In recent years the Bureau of the Budget, as a coordinating agency for the President, has tried to break into the direct channel between the Corps and Congress. It has required that survey reports (in the same manner as proposed legislation) be submitted to the Executive Office of the President, prior to submission to Congress, so that the Corps can be informed of the relationship of the reports to the program of the President. But when the Executive Office informs the Corps that a project does not conform with the President's program, the Engineers pay no heed. They recommend to Congress, nonetheless, that the project be adopted.

The Budget Bureau is the source of statistics to back up this conclusion.[5] Between January, 1941, and September, 1948, the Corps of Engineers submitted to the Budget Bureau 436 reports favorable to construction of federal improvements. Three hundred and sixty were cleared with no objections to the authorization of the projects, and 76 were (a) held by the Bureau to be wholly or partially not in accord with the President's program (44 reports) or (b) were the subject of specific reservations stated in special comments by the Bureau (32 reports).

With regard to the 44 reports held not in accord with the President's program, the Corps of Engineers transmitted reports on all of these projects to Congress with favorable recommendations. Congress authorized 38. Of the total of 76 projects on which the Bureau made some reservations and comments, Congress authorized 62; seven were either abandoned, or considered by Congress and rejected, while seven projects had not yet been formally considered by Congress. The projects authorized by Congress upon which the Bureau had expressed reservations or full opposition had a total estimated cost in 1947 of $2 billion; those not authorized by Congress, a cost of about $500 million.

Senator Douglas' recent publicized effort to reduce by $840 million the authorizations contained in the 1950 rivers and harbors and flood control bill provides another illustration. Most all of the projects which Douglas attacked had been given low priority or held not in accord by the Bureau of the Budget. Yet the Senate, like the Senate and House Committees on Public Works and the House of Representatives before it, adopted the recommendations of the Chief of Engineers and disregarded those of the President.

Under the present planning pattern, the water experts of all agencies of the Federal government do not cooperate to prepare reports on the best uses of water in any drainage basin. Rather the Corps of Engineers (or the Bureau of Reclamation, as the case may be) undertakes a survey for which it assumes sole responsibility. It may or may not call in experts of other agencies during the conduct of the survey. When the report has been completed and tentative recommendations announced to the local interests, then the report is referred to other agencies for comment; but experience has proved that clearance occurs too late in the planning process for effective coordination.

This pattern of uncoordinated planning was set by Congress in enacting the first two national flood control bills in 1936 and 1938. Although it was known, certainly by 1938, that the President, the National Resources Planning Board, the Budget Bureau, and the Agriculture and Interior Departments all preferred provisions for genuinely cooperative planning, Congress preferred to assign the planning responsibility directly to the Corps, not to the executive branch as a whole through the person of the President.

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[5] Commission on Organization of the Executive Branch of the Government, *Task Force Report on Natural Resources* (Washington, 1949), Appendix 5.

The NRPB recommended that the President veto each of these bills for this failure, among other reasons. The President approved them, but in each instance stated his opposition to the uncoordinated planning provided and his determination to alter this within the executive branch. He said in 1938:

> I have approved this bill with some reluctance. . . .
>
> It is not a step in the right direction in the setup provided for general government planning.
>
> I am in doubt as to the value of some of the projects provided for and it is unwise to place recommendations to the Congress solely in the hands of the Engineer Corps of the Army in some cases and of the Department of Agriculture in other cases.
>
> Coordination of all such public works involves a wider survey and the examination of more national problems than any one bureau or department is qualified for.
>
> In these respects future legislation will be vitally important, in order to give to the Congress and to the country a complete picture which takes all factors into consideration.
>
> For the coming year, however, I shall try to obtain this coordination by asking for complete consultation between all groups and government agencies affected. In this way the whole of the problem can be made more clear. I have, however, approved the bill because it accomplishes a number of good things, with, however, the reservation that its deficiencies should be corrected as early as possible.

The President was unsuccessful in this resolve, due largely to those congressional-Corps relations we have been discussing. The same obstacle prevents the President from consolidating important resources functions. Theodore Roosevelt recommended to Congress in 1908 that responsibility for water development be centralized. Congress, expressing full confidence in the Corps of Engineers, failed to implement his recommendation. Herbert Hoover proposed to Congress in 1932 that the civil functions of the Corps of Engineers be transferred to the Department of Interior. His reorganization plan, submitted under the Economy Act of 1932, was roundly defeated in the House. The members of the House Committees on Flood Control and on Rivers and Harbors, Democrats and Republicans alike, opposed the reorganization. Franklin Roosevelt in 1937 proposed that Congress enact legislation permitting him to effect reorganizations within the executive branch. No agencies of Government were to be excluded. When in 1939 Congress finally passed the Reorganization Bill authorizing the President to submit plans to Congress which would become law unless vetoed by both Houses of Congress within 60 days, the Corps of Engineers was one of a very few purely executive agencies placed beyond application of the legislation. Harry Truman in 1945 asked that Congress reenact reorganization legislation (it had lapsed some years previously) and that no agencies be exempted from its provisions. Congress did exempt some eight agencies, seven of them independent commissions or boards, and the eighth, the Corps of Engineers.

The Hoover Commission in 1949 proposed that the water resources functions of the Corps of Engineers and the Bureau of Reclamation be consolidated in a Water Development and Use Service and that this Service be organized within the Department of Interior or, as three commissioners urged, within a new Department of Natural Resources. In proposing this consolidation, the Commission's task force on Natural Resources said:

> Perhaps the most imposing argument against transferring the civil functions of the Corps of Engineers to another agency is found in the intense opposition with which any such proposal is likely to be met. There is no need to emphasize the powerful local and congressional support of the Corps . . . . The history of past reorganization efforts reveals the difficulties encountered when measures have been proposed involving any change whatsoever in the civil functions of the Army Engineers.

To implement this proposal and many others, President Harry Truman and former President Herbert Hoover urged Congress in 1949 to enact a general reorganization bill. The legislation was to be similar to earlier reorganization bills in that plans submitted by the President would become law unless vetoed by both Houses of Congress within 60 days. It was to differ from earlier legislation in that both Truman and Hoover insisted on a "clean bill," one containing no exemptions, and on a permanent bill, not one that expired within a few years.

The supporters of the Corps of Engineers, both in and out of Congress, objected strenuously to the proposed legislation. Herbert Hoover lashed out at these supporters and their demand for exemption for the Corps. Despite considerable opposition, the House passed the bill with no outright exemptions. The Senate, too, passed a "clean bill," no exemptions. But the Senate bill has a joker, one to which the House had to agree to get any bill at all. This joker provides that any reorganization plan submitted by the President shall become law unless vetoed by a constitutional majority of *one* House. This constitutes a major reverse for administrative reorganization; the bills of 1939 and 1945 had required veto by both Houses.

Why did the Senate insist on this change? Because the congressional supporters of the Corps of Engineers announced that they would forego outright exemption for the Corps *only if* Congress would agree to a one-House veto.[6] They were sure that any proposed transfer of the Corps could not get through

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[6] The report of the Senate Committee on Expenditures contained the following:

"By far the largest number of witnesses appeared in behalf of the exemption of the civil functions of the Corps of Engineers, including representatives of valley improvement, flood control and development associations, chambers of commerce, and other State and civic organizations: 17 of the 25 witnesses appearing at the hearings, and 14 of the 23 resolutions and communications submitted for the record, were in support of such exemption. In addition, hundreds of telegrams and letters from 44 States and the District of Columbia were received by the committee, expressing opposition to granting any reorganization authority to the President which would permit the transfer of the civil functions of the Corps of Engineers to any other department or agency . . . .

"An amendment to exempt the civil functions of the Corps of Engineers, offered by the chairman [Senator McClellan], was defeated by a vote of 5 to 4. Several members of the committee indicated, however, that in voting against this exemption they reserved the right to favor such exemption should the Senate not approve the amendment providing for disapproval of reorganization plans by either the House of Representatives or the Senate." *Senate Report* 232, 81st Cong., 1st Sess., pp. 12–15, 17 (April 7, 1949).

Congress under these conditions. And to make sure that future changes in the complexion of Congress might not alter this situation, they provided that the bill expire at the end of Truman's present term of office. The ease with which Congress, under this scheme, can defeat reorganization plans of the President has been demonstrated recently with grim reality.

Continued congressional opposition to Valley Authorities has been in part a consequence of the traditional legislative handling of water business. Congressional supporters of the Army Engineers, particularly members of the congressional committees to which the Engineers report, have been among the most violent opponents of Valley Authority legislation. They argue that the Engineers are doing a fine job and should not be displaced by independent corporate organizations.

It will be remembered that in 1937 President Roosevelt sent to Congress his famous message on regional authorities—the "8 little TVA's," as it came to be known. This much misunderstood proposal called for dividing the nation into eight regional areas for the purpose of developing integrated plans for resources development and management. At least in the early years, regional authorities with responsibilities broader than just planning would be set up or continued in only three areas. These were the TVA, the Columbia Valley Authority, and the Mississippi River Commission.

A careful reading of the hearings on this legislation before House and Senate committees reveals that almost all opponents of the bill, no matter whether their hostility to the legislation was inspired principally by opposition to hydroelectric power, by fear that the favored position of navigation interests in river development might be adversely affected, or by other causes, expressed complete confidence in the Engineer Department and an unwillingness to see any tampering with its duties in regard to rivers and harbors and flood control.

Significantly, the only Valley Authority legislation which has passed the Congress, that creating the TVA, was not handled by the committees which write navigation and flood control legislation, but rather in the Senate, by the Committee on Agriculture and Forestry, and in the House, by the Military Affairs Committee. These committees, particularly the Senate Committee on Agriculture, have been infinitely more sympathetic to Valley Authorities than the committees with which the Engineer Department has cooperated. Thus the fate of Valley Authority legislation, at least in so far as getting a sympathetic committee hearing is concerned, has depended in large part on the committee of reference.

The classic example is the legislation proposed by the President, and introduced by Senator Murray, to create a Missouri Valley Authority (S. 555, 79th Cong., 1st Sess. [1945]). Senator Murray wished this bill referred to the Committee on Agriculture which had handled TVA legislation. The opponents of an MVA wished it referred to the Committee on Commerce, which then handled navigation and flood control. The Committee on Irrigation and Reclamation was also interested. Senator Murray lost, and this meant sudden death for the MVA. In an almost unprecedented action, the Senate adopted a resolution (Sen. Res. 97, 79th Cong. 1st Sess. [1945]) referring the bill to all three committees—*first*, for a period of 60 days to the Committee on Commerce with respect to navigation and flood control; *second*, for an equal period, to the Committee on Irrigation and Reclamation with respect to their competence; *last*, to the Committee on Agriculture. Within 60 days the Commerce Committee had reported back unfavorably; some five months later the Committee on Irrigation reported unfavorably. There was no necessity for the Agriculture Committee either to hold hearings or to make a report—the bill was dead.

Responsibility for TVA legislation was apparently shifted to the Committees on Public Works in the Congressional Reorganization of 1946. Thus, when President Truman's Columbia Valley Administration proposals were introduced, they were referred to these committees, the very ones which work most closely with the Corps. CVA legislation has received a most unsympathetic hearing on both sides of the Capitol. Indeed, with the exception of Senator Sparkman, an Alabama supporter of TVA, it is hard to find conscientious CVA proponents on either committee.

IV. THE PROPER ROLE OF CONGRESS

What function *should* Congress perform in water resources development and how *should* this function be organized? To answer these questions we should, perhaps, go back to the fundamental problem of legislative function. Here we shall develop two characteristic theoretical approaches to this problem. One seeks to determine the unique indispensable contribution the modern legislature can make to democracy. This approach defines function in the biological sense; it emphasizes the vital organic contribution of legislatures to modern government, rather than the relationship of the legislature to other branches of government activity. The other approach emphasizes just what the first would reject. It defines the legislative function largely in terms of the relations of legislatures to other organs of government.

Miss Elaine Tanner of Radcliffe College has completed recently an excellent survey of legislative theories.[7] Seeking a functional definition of the unique contributions of the legislature in the modern democratic state, Miss Tanner finds most current formulations inadequate, or rather in need of restatement. She suggests a two-fold function for the 20th century legislature. First, it can bring to modern government certain intangible qualities of the non-specialist, the insights and sensitivities of a non-technical collective mind. As its second contribution, the legislature occupies a critical place in a process that must welcome rational change. Capacity for change and for choice between alternatives is the institutionalized expression of individual freedom—of the "open mind." Capacity for change is the ultimate strength of democracy, the antithesis of totalitarian policy making. And it is the legislature which can "institutionalize the open mind." "It can make the Government see the obvious and do something about it, regardless of political, psychological, or other deterring conditions." By performing this function the legislature not only permits freedom but also government efficiency, for efficiency can be associated with ability to change, to choose alternatives, to see errors and correct them, to avoid bureaucratic narrowness and totalitarian closeness.

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[7] Elaine Tanner, *The Function of the Modern Legislature* (unpublished manuscript, 1950, Radcliffe College).

A second theoretical approach, developed with greatest insight in this country by Carl Friedrich,[8] emphasizes more directly the relation of the legislature to the bureaucracy. Bureaucracy is viewed as the very core of constitutional government in the sense that no modern government can long survive without an efficient administrative organization. Constitutionalism presupposes a functioning bureaucracy, for constitutionalism consists largely of efforts to subject the bureaucracy to popular influence and control. The legislature plays its distinctive role in the manner in which it holds the bureaucracy responsible and accountable. Parliamentary bodies "appear as integrating agencies through which the policy of the government and the claims of the various interested groups are expounded to the larger public with a view to discovering a suitable balance." Thus, in holding the bureaucracy responsible, legislative assemblies are not limited to legislation, investigation, and appropriation (in all of which, it must be remembered, they do not have exclusive jurisdiction); they participate also in popular education and propaganda.

On the basis of these two approaches, can we derive a proper water resource function for the Congress? From both the Tanner and Friedrich analyses we can conclude that Congress should be concerned with important national water policies. It is when dealing with major issues of policy, not with survey reports on individual projects, that the "unspecialized" and the "open" mind—and thus the Congress representing this mind collectively—can be most effective. If the Congress is to hold the bureaucracy accountable, then it must adopt certain standards or guides, and these standards are just what is involved in legislation setting national water policies rather than legislation concerned with projects only. Further, unless Congress focuses on the major policy issues, it cannot perform its educative function. The people of the United States cannot be interested in whether or not Mill Creek, Virginia, is improved, nor even in whether Arizona or California should be allotted the greater share of the waters of the Colorado River. But they can be aroused on national policy issues such as the prevention of speculation and monopoly in benefits derived from Federal improvements.

Both analyses indicate also the desirability of holding the executive branch of government clearly responsible for presenting to the Congress well-balanced legislative proposals which focus on major issues. In this way the legislature can debate, adopt, reject, or amend them. The "open mind," if it is going to effect change, must have something to change, must have a standard. And an important part of Friedrich's doctrine of bureaucracy and constitutionalism relates to the professional obligations of the bureaucracy, involving in this case a clear responsibility for submitting to the legislature competent policy proposals.

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[8] See especially his *Constitutional Government and Democracy* (Boston, 1941). A new and revised edition of this excellent work is now in press.

Having agreed that Congress should be concerned with important matters of policy, we must attempt to determine whether Congress should limit itself largely to this concern; whether, in other words, it should back out entirely from the area of authorizing individual projects—from the biennial omnibus rivers and harbors and flood control bills. Keeping in mind both the functions for which the legislature is best equipped and the acknowledged necessity for holding the bureaucracy in close check, an ideal solution for authorization would appear to be this. Congress should pass a basic law setting out in some detail the standards to be met by any proposed water project desirable of development. The executive water development agency should then be authorized to undertake any investigation, not having to rely on Congress to authorize each survey, and to approve for construction any project that meets the standards of the basic law. For any project not falling clearly within the standards, but highly desirable in the eyes of the executive agency, a recommendation for special authorization should be submitted to the Congress. Congress would always have the authority to disapprove by legislation any project approved by the agency under this general authorization.

The basic law should further set forth criteria for establishing priorities among approved projects. The manner in which the agency applies its appropriations against project priorities, established in accordance with standards of the basic law, would, of course, be reviewed yearly by the Appropriations Committees. Finally, Congress should insist that the basic law be reconsidered periodically, and that the executive agency adopt a continuing program for re-examining, on the basis of experience, the operation of the law and recommending to Congress revisions of standards.

This proposal involves a more complete transfer of responsibility for adjustment of group interests than that in current practice. The proposal is made, however, in full view of both the undesirable consequences we have found to result from the existing situation and the conclusion reached earlier that an important function of the legislature is to integrate and coordinate the conflicting claims and interests of the government and various interest groups. With respect to the latter, it has never been said that adjustment is exclusively a legislative responsibility. To the contrary, adjustment of group interests occurs throughout the administrative and legislative processes. In this instance, the integration and coordination of group interest which is required in setting the basic statute will be a responsibility of the Congress; that required for developing individual projects, a responsibility of the executive agency.

This proposal for very broad delegation of responsibility for interest group adjustment should not aggravate the already bad consequences we have noted from a more limited delegation. On the contrary, it should bring improvements in the existing situation. The very fact that, within the limits of standards set in the basic act, full, rather than incomplete, responsibility would be transferred should remove much of the pressure on Congress. Thus, for example, the technique of the review resolution would not be available. The executive agency would no longer look to Congress for the authorization of specific investigations. There would be no hearings on omnibus authorization bills at which interested members of Congress and the representative of the Chief of Engineers form a team in support of projects.

To be sure, individual members still would seek approval for investigations and projects in their districts. But they would be more on their own; they would not be supported in the same way by congressional committees. And the members of the committees themselves would not continue to occupy the same highly preferred positions they have now with respect to the conduct of the water agency.

This proposal is not new. The Reclamation Act provides similar machinery. But this machinery has run into difficulties in the last few years. The standards of the Act are not adequate; and the parallel existence of a vastly different process for authorizing Engineer Department projects has caused untold difficulties for Reclamation. If the Cooke Commission, as promised, comes up with an adequate set of standards, and if the process of approving multiple purpose water resource developments is made uniform (as it should be for all projects, no matter who constructs them), then the proposed method of authorization can be effective.

A number of other revisions in legislative organization and procedure might, of course, be mentioned. But space permits the mention of only one relating to committees. Jurisdiction over major water resources programs is split in both Houses of Congress between two committees—those having supervision over the Corps of Engineers and other public works and those concerned with the Bureau of Reclamation and other programs of the Department of the Interior. This is a major source of difficulty and unless remedied may well preclude any significant improvement in the conduct by Congress of its water business.

Finally, a great many of the difficulties in water legislation today are a consequence of, or in an important way related to, the division of water development responsibilities in the executive branch between the Corps of Engineers, the Department of Interior, and other agencies. From the point of view of Congress, therefore, significant improvements in the legislative handling of water resources may well be impossible without executive reorganization.

NATIONAL EXECUTIVE ORGANIZATION FOR WATER RESOURCES

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The central problem in national executive organization for water resources is that of fitting the service of specialized Federal agencies to the task of promoting the unified development of entire drainage basins. While technical recognition of the interlocking character of water resources development grew rapidly after 1920 and found expression in basin-wide plans, the administrative organization was unable to keep pace. It now presents conspicuous weaknesses which have been described by the Hoover Commission and its Task Force on Natural Resources.[1] Remedial action involving the combination of several existing agencies and the creation of a central board of review have been recommended. An effort also has been initiated to correlate and reconcile the disperse and often conflicting Federal policies upon which the agencies are operating.[2]

Even though the recommended administrative changes were to be made and even though a consistent Federal water policy were to be adopted by the Congress, it seems likely that a number of troublesome problems of organization would persist for which no easy solution can be foreseen. Moreover, the whole concept of sound water conservation is changing so rapidly that further major shifts in Federal responsibility and participation may be anticipated in the years lying immediately ahead. To that extent the present weaknesses and problems of national organization probably will be aggravated.

In a broad sense the Hoover Commission reports dealt with those major conflicts and duplications which call for drastic changes in Federal water organization. Many of the remaining issues are less dramatic and acute. An analysis of them suggests that their solution will rest in large measure upon ingenuity in promoting in a variety of ways the friendly cooperation of the large number of agencies which inevitably must play a part in shaping sound basin plans. Stimulation of such cooperation may well be one principal concern of those who seek in the future to make the administration of water development fully responsive to the needs of the American people.

I. GROWING CONCEPTS OF WATER DEVELOPMENT

Although the Federal Power Act of 1920 envisaged the coordinated development of water resources for power and related purposes, it was not until 1927 that concrete planning of Federal programs was undertaken for the multiple purposes of navigation, flood control, hydroelectric power and irrigation. These so-called "308 surveys" by the Corps of Engineers set in motion a study program that was to lead to many basin plans, the first and most conspicuous report dealing with the Tennessee River. Legislation creating the Tennessee Valley Authority was based in part upon that report. The next year the Boulder Canyon Project Act committed a Federal bureau—the Bureau of Reclamation—for the first time to the construction and operation of a large dam serving these same multiple purposes, bringing to completion studies which had been initiated in 1918.

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[1] *Reorganization of the Department of the Interior. A Report to the Congress by the Commission on Organization of the Executive Branch of the Government, March 1949* (Washington, 1949); *Organization and Policy in the Field of Natural Resources: A Report with Recommendations, Prepared for the Commission on Organization of the Executive Branch of the Government* (Washington, 1949).

[2] The temporary President's Water Resources Policy Commission was established by Executive Order No. 10095 on January 3, 1950. Its mandate is quoted in the introduction to this symposium.

Today, after more than 20 years of Federal activities along the lines initiated in the "308 surveys" and in Hoover Dam, three major concepts appear to be firmly imbedded in the Federal efforts at water-resources development. This observation is based upon a review of public statements by Federal administrators, and of the reports prepared by their agencies.[3] The three concepts are not sharply defined in Federal legislation, but much of the legislation under which several of the agencies are working is sufficiently broad to encompass them.

First, the multiple-purpose dam—the project which utilizes water control to serve as many useful purposes as can be justified economically—is recognized as technically feasible and economically desirable. To fail to design a project so as to gain justifiable benefits from a related purpose, such as wildlife conservation or hydroelectric power generation, is regarded as a public waste by many technicians. In practice, the Federal agencies are limited by their congressional authorizations as to the specific purposes which they are to take into account.

Second, the wise planning of water use and control is recognized to require the unified treatment of entire drainage basins rather than separate projects within a basin. The complex interrelations of surface and ground water flow, and of electric power production and transmission make it impossible to evaluate the full costs and benefits of a separate project without exploring fully its possible effect upon other projects in the same and neighboring drainage basins, and this requires study of all the practicable projects. There are, to be sure, some undertakings such as small municipal water supply storages which may be considered without regard to basin-wide plans, but the number is small.

Third, the sound appraisal of a new water project is recognized as involving a study of its possible effects upon the economy of the nation and of the region in which it is located. It is no longer considered sufficient to evaluate an irrigation project such as the Columbia Basin irrigation project solely in terms of the increase in crop production upon the lands to receive water; the whole region's resources and population are seen as being affected. Increasingly, a region's resources are regarded as a totality to be developed as a unit with the welfare of the entire population as its object. About this third concept there is less general agreement than with respect to the first two. They may be considered as axiomatic. Thinking concerning the economic and political phases of water conservation is changing rapidly. Most investigators are ready to assert the necessity of examining all possible effects of a water impoundment upon the quality and quantity of water downstream but many are doubtful as to the need for studying the effect of an irrigation undertaking upon agricultural markets in an adjacent area or the effect of power rates at a new hydroelectric plant upon nearby industrial activity.

Indeed, the view of what constitutes a benefit from or the cost of a water project has enlarged progressively as experience has accumulated. In the case of

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[3] The most recent descriptive summary of these concepts is to be found in the symposia on "The Integrated Development of River Basins," *Proceedings of the United Nations Scientific Conference on the Conservation and Utilization of Resources* (Lake Success, 1950), Vol. 1, pp. 367–403.

TABLE I. MAJOR ACTIVITIES CONCERNED WITH WATER USE AND CONTROL

Agency	Basic Data*	Flood Protection	Hydro-Power	Irrigation	Land Drainage	Navigation	Waste Disposal	Rural Land Management	Rural Water Supply	Wildlife	Recreation
Department of Agriculture											
Agricultural Research Adm.	DS			DS	DS				DS		
Bureau of Agricultural Economics								DS			
Forest Service	DS	DSC						DSC	DSC	DSC	SC
Soil Conservation Service	DS	DSC		SC	SC			DSC	DSC	DSC	
Department of the Army											
Corps of Engineers	DS	DSC	DSC	DSC	S	DSCR				C	SC
Department of Commerce											
Bureau of the Census				D	D						
Coast and Geodetic Survey	DS										
Inland Waterways Corp.						S					
Weather Bureau	DS	DS									
Department of the Interior											
Bureau of Mines	DS						DS				
Bureau of Reclamation	DS	DSC	DSC	DSC	DSC					D	SC
Fish and Wildlife Service	DS						DS			DSC	
National Park Service											DSC
Bureau of Indian Affairs	S			DSC				DSC	DSC		
Bureau of Land Management	S			DSR				DSC	DSCR		
Geological Survey	DS	D	DSR	DR							
Bonneville Power Administration			DSC								
Southwest Power Adm.			DSC								
Department of State											
International Boundary Comm.	DS	DSCR	DSCR	DSCR			SCR				
International Joint Comm.		SR	SR	SR		SR	SR				
Federal Security Agency											
Public Health Service	DS						DSR				
Independent Agencies											
Federal Power Comm.	DS		DSR								
Panama Canal	DS		DSC		DSC	DSC	DSC				
Tennessee Valley Authority	DS	DSC	DSC			DSC	DS	DS		DSC	DSC

D—Collects data.
S —Carries on studies and research.
C—Supervises construction.
R—Regulates non-Federal activity.

* Basic data includes precipitation, evaporation, stream flow, ground water, quality of water, soil, and topography.

irrigation projects the earliest view embodied in Federal activity was focused upon the direct returns to and repayments from individual farm operators, while in recent years the Bureau of Reclamation has looked beyond these immediate effects to benefits accruing to communities as a whole and has tended to seek out benefits which might be regarded as national in scope.

II. AGENCIES AND EXPENDITURES

As the number of multiple-purpose projects multiplied, as their size and complexity increased, and as the view of their social effects broadened, Federal participation in water resources was enlarged by a series of authorizations of which the Flood Control Acts of 1936 and 1944, the Water Facilities Act, the Reclamation Projects Act of 1939 and the Water Pollution Control Act are representative. This growth is reflected in the size of Federal expenditures for water resources use and control, and in the number of Federal agencies having responsibility for specific segments of the work. By the end of 1949 there were more than twenty agencies having some responsibility for collecting data, making studies, constructing and maintaining projects, and regulating non-Federal activities in the field of water resources. Table I reveals the diversity and dispersion of those agencies. A few of them are wholly concerned with water use and control. Most of them carry on activities in other fields as well.

The expenditures for construction of new projects provide a rough index of the growing Federal role in water resources development. Prior to 1933 those expenditures were largely for navigation and Lower Mississippi flood control by the Corps of Engineers, and for irrigation in the 17 western states by the Bureau of Reclamation. The rapid increase which took place during the 1930's in response to grants under the Public Works Administration and other emergency agencies was sustained during the war years and did not show any tendency to fall off in the post-war period when employment stabilization had ceased to be a reason for heavy capital investment in the preservation and use of natural resources. By that time the comprehensive reports which had been initiated in 1927 were beginning to bear their fruit of basin-wide plans, and the public demand for new construction had become widespread and strong. The shift to such comprehensive plans is reflected in the size of the programs of public works projected by the various agencies. According to a general summary presented to a Congressional committee in 1948, the programs definitely planned by the construction agencies amounted to approximately 19 billion dollars. Estimated expenditures by those agencies for "projects planned for the long-range future" amounted to 29 billion dollars, as shown in Table II. When it is remembered that expenditures for all new construction prior to 1948 accounted for only 4.7 billion dollars, it can be seen that at the present time the United States is involved in a tremendous acceleration in the rate of capital investment in water resources. Multiple-purpose undertakings which were budding in the 1930's now are approaching full bloom and there is no sign of any early diminution in their number or size. The smaller, less complex projects have been constructed or are scheduled for early construction in most parts of

TABLE II.* WATER PROJECTS COMPLETED OR PLANNED BY FEDERAL AGENCIES, 1948

Status of work	
Works already completed	$ 4,779,700,000
Projects under construction	4,593,000,000
Projects definitely planned	18,980,900,000
Projects planned for the long-range future	29,152,600,000
Total	$57,506,200,000
Purposes of work	
Flood control	$12,295,200,000
Navigation	6,233,100,000
Hydroelectric power	24,086,900,000
Irrigation	8,681,600,000
Drainage	375,400,000
Watershed treatment	4,012,000,000
Pollution control	1,365,800,000
Fish and wildlife conservation and recreation	456,200,000
Total	$57,506,200,000

* Source: *Congressional Record,* Vol. 94, Part 8, 80th Cong., 2nd Sess., pp. 9943–9 (August 6, 1948).

the country; huge undertakings such as the Central Arizona irrigation and power project, with an estimated cost of more than six hundred million dollars, which would have been regarded as visionary ten years ago now are receiving serious consideration.

In short, the basic concepts of wise water use and control changed radically in three decades, and with that change came a vast increase in Federal outlays coupled with an expansion in the number and complexity of Federal agency activities.

III. PERSISTENT PROBLEMS OF ORGANIZATION

It is assumed that the reader is familiar with the analysis of the organizational problems in this situation presented by the Hoover Commission and its Task Force on Natural Resources, and with Arthur Maass' study, in the latter report, of the conflict among Federal agencies in the development of Kings River, California, which describes one acute situation incisively and carefully.[4] Both the Commission and the Task Force pointed out as major deficiencies the lack of adequate hydrologic data, the inefficient division of responsibility for planning and construction work, the undesirable centralization of administrative decisions within the principal agencies, and the lack of balanced review of project proposals. While the Commission and the Task Force disagreed upon a number of the recommended changes in organization, they were in substantial agreement as to the desirability of setting up some form of unified water development service with regional advisory committees, and of creating an over-all review board which would seek to correlate and appraise the various agency plans from their inception to their presentation to the Congress. The whole review process was seen as requiring early and sustained cooperation among Federal, state and local agencies at the regional level, matters which are discussed by other participants in this symposium. In view of the heavy opposition to these basic recommendations from supporters of existing agencies it may be sanguine to expect their early adoption. Whether or not they are adopted, it is clear that several organizational problems will continue to trouble Federal administrators in the water field. Four of these problems have been selected to illustrate the diversity of questions involved in planning and developing water resources.

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[4] *Op. cit.*, pp. 149–182.

Diversity in Water Policy

Because of the rapid evolution in accepted concepts of water planning and control the legislative directives and, often, the administrative policy set by top agency personnel have tended to lag far behind the thinking of technicians working in field offices. The normal lag between technical analysis of problems and the policy for dealing with them is intensified in the case of water resources by this highly accelerated shift in thinking, by the large number of agencies potentially interested in any given project, and by uncertainty as to the proper role of the Federal agencies in dealing with all of the multiple uses except navigation. Consistently navigation has been regarded as a firm, exclusive responsibility of the Federal government; every other use of water has been only partly a Federal function and therefore the source of controversy among Federal agencies and between them and state agencies.

A relatively simple example is the recreational use of reservoirs built primarily to store water for irrigation and power production. When Hoover Dam was designed by the Bureau of Reclamation there was little thought of the service which its reservoir would give in providing boating, fishing and swimming for people in that arid, sun-baked region or of the attraction which the dam itself would have for tourists across the nation. No benefits were claimed for recreation, no mention is made of it in the enabling act. In due time it was arranged for the National Park Service to manage the recreational use of the dam and reservoir. The Service with its fine tradition of preservation of natural wonders and historic monuments had no precedent for such management. With the completion of the dam a great tourist traffic developed. In 1949 approximately one and one-half million people visited the area. Quite aside from the problem of state participation, doubt arose as to whether the Bureau or the Service should manage recreation in the future. There also was question as to the extent to which the Service should participate in designing or reviewing the design of new dams offering possible recreational facilities in the arid and semi-arid regions. In 1947 it was agreed that the Service would plan and develop recreation at Bureau projects. The Bureau now is seeking legislative authority to make specific provision for recreational benefits in project plans, the equivalent costs to be charged to the Federal Government. In contrast to the Bureau's current interest in serving large numbers of people with irrigation water and electric power, the Service tends to stress the preservation of scenic and historic sites and probably would have opposed Hoover Dam vigorously had any such sites been subject to inundation. The Service does frequently oppose reservoir projects on those grounds. Water development is incidental to its primary program. It also is articulate in supporting the whole principle of wilderness areas, a purpose often ignored by engineers and sometimes irreparably so. Although both agencies are in the Department of the Interior they have difficulty resolving such conflicts which represent in part the opposing views of their respective special interest groups, but which also reflect the carry-over of single-purpose thinking, as embodied in legislative policy, into multiple-purpose design.

Land drainage for agricultural production is another disputed area in Federal agency activity. Until the past five years the Federal activity in this field consisted of technical advice offered by the Bureau of Agricultural Engineering and its successors to farmers and local drainage districts, of flood-control undertaken by the Corps of Engineers for the benefit of farmers in such districts, and of drainage necessary to effective management of soils on Bureau of Reclamation projects. Recently it has become apparent to technicians engaged in basin planning that large areas of wet land in the Lower Mississippi Valley and in the Southeast might be drained as a part of comprehensive water programs and made available for intensive agricultural use in somewhat the same fashion that arid lands of the West are reclaimed by irrigation. Inasmuch as no Federal agency has general authorization to prepare and execute such plans, all have been slow to submit drainage programs in their regular basin reports. At the same time there has been considerable strategic maneuvering for position so as to be able to assume whatever authority may be granted. Many field workers recognize that a Federal policy of some sort dealing with land drainage in an integrated way is desirable. Lacking an over-all policy, the tendency is for the Department of Agriculture and the Department of the Army to suggest more restricted policies which can be justified as being outgrowths of their existing activities and which at the same time will stake out their responsibilities if and when Federal activity is expanded in that direction.

The failure thus far to find satisfactory solutions to some urgent water problems makes it impossible to formulate wise public policy. An instance is the heavy silt load carried normally by the Colorado River. Quite aside from whatever accelerated silting results from improper land use in the drainage area, the Colorado River silt accumulates at a rate which to the best of modern engineering knowledge will fill up the projected storage reservoirs, and a series of reservoirs to be built exclusively to hold silt, in a matter of several centuries. There is no immediate danger of impairing the usefulness of a project like Hoover Dam, but the works now built or planned will in time lose their value as permanent improvements unless some new techniques are invented either to prevent or to remove the silt deposits. Taking the view of a 50-year amortization these projects are secure investments, but taking the view of a hopefully permanent civilization they are acts of faith—faith that human inventiveness will respond to the challenge before large-scale deterioration sets in. There is no clear-cut Federal policy to deal with this silt menace, and no allocation of agency responsibility to cope with it although the agencies themselves through their inter-agency committee are seeking earnestly to pool their scientific findings on the problem. The construction agencies are deeply concerned. The Forest Service, the Bureau of Land Management and the Soil Conservation Service are active in promoting conservation practices on both public and private lands. It would be premature, however, to attempt to draft a statement of Federal policy for the successful control of the Colorado's silt load.

Regulation vs. Operation

Two of the major purposes of water use and control—navigation and hydroelectric power—are the subject of Federal promotion by regulation as well as by construction and operation. Regulation of waterway common carrier rates by the Interstate Commerce Commission, construction of new waterway facilities by the Corps of Engineers, and operation of a Federal barge line by the Inland Waterways Corporation have as a common purpose the promotion of the lowest possible shipping costs for the benefit of the public. A number of waterway improvements are studied and justified upon the basis of their estimated effect in reducing the cost of transport of bulk commodities. In some instances a major interest of local promoters has been in lowering by the waterway construction the prescribed rate schedules for competing rail carriers. The Coast Guard plays a minor role in mapping and marking river channels. The Federal Power Commission licenses private projects on sites over which Congress has jurisdiction and it passes on rates for power from projects operated by Federal agencies. The rates charged for most of the energy sold from electric power plants in the United States are subject only to state regulation. At the same time the power marketing policy pursued by the Tennessee Valley Authority and by the Bonneville Power Administration and the Southwest Power Administration of the Department of the Interior is intended to promote the widest possible use of power at the lowest rates consistent with sound business principles.

It has been said of the Interstate Commerce Commission that it:

> . . . has concluded that it must continue to serve as the administrative vehicle for carrying out two diametrically opposed policies of Congress. With one hand it must apply impartially to all forms of transportation under its jurisdiction the statute prescribing nondiscriminatory treatment, to the end that no individual community or region shall enjoy an artificial advantage over any other by virtue of preferential transportation rates and services. At the same time the Commission apparently feels obligated to serve as the instrument for carrying out another policy of Congress that deliberately seeks to use subsidized water transportation as a means of giving preferential treatment to one region of the country through the two-fold device of depressing railroad rates and shifting a portion of water transportation costs from the shippers of that region to the general taxpayer.[5]

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[5] Charles L. Dearing and Wilfred Owen, *National Transportation Policy* (Washington, 1949), pp. 242–243.

The Corps of Engineers meanwhile is charged with reducing water rates so far as practicable through Federal investment in new facilities, and it is consistently active in planning projects which will serve that purpose. Increasingly, new navigation improvements are being linked with power and flood-control programs.

Federal legislation authorizing power marketing is clear in expressing preference for the sale of power to public bodies and cooperatives. It is less explicit as to the extent to which new Federal projects should be employed to effect reductions in rates and to improve the marketing policies of private utilities. There is a feeling among some of the administrators concerned with electric power that the state regulatory agencies have become largely impotent and that economically justified cuts in power rates can be obtained only by Federal expenditures for public power facilities. Leland Olds expresses this viewpoint as follows:

> This is the challenge to the country's public power systems—to take the lead in adopting rate policies which will promote consumption, thus enabling electric power to play its proper part in building well-balanced local and regional economies, offering an attractive life to all the people their resources will support. Unless public systems take the lead, the force of competition, which has exercised the greatest influence for power rates, will be lacking. Public systems, which are following the cautious lead of private monopolies, are failing to serve the public interest in fostering widespread use of cheaper power.[6]

In these circumstances, the Federal construction agencies find themselves planning projects which may appear to serve the same purpose as regulatory action by the responsible commissions and which are opposed as being unnecessary by the railroads and the private power companies. Such opposition in itself is a healthy aspect of policy formulation and of planning, but the division of responsibility between the agencies and the commissions makes for some confusion in planning operations. Moreover the difference among the agencies in their emphasis upon water projects as rate-regulating devices for electric power fosters important disparities in the plans for new hydroelectric installations. Thus, the Corps of Engineers under its authorizations takes a different position toward the need for new generating plants to meet power needs and toward the desirability of constructing transmission lines and steam electric plants than do the agencies of the Department of Interior. The Corps assumes that either the Federal Power Commission or the Interior agencies will concern themselves with those questions. Yet its own requests for authorization and appropriations have a profound effect upon the timing and character of the final action.

Basic Data, Research and Surveys

Wise planning of water use and control requires adequate data as to precipitation, stream flow, topography, soils and other physical conditions. No two basins have the same combination of physical conditions. No large basin thus far has been studied sufficiently to provide fully adequate data. This need and the serious consequences of proceeding without adequate basic data and related scientific studies are described in the report of the Task Force on Natural Resources. Responsibility for the collection of these data is shared by numerous scientific agencies such as the Weather Bureau and the Geological Survey, and by the construction agencies which reallocate portions of their appropriations for surveys to the scientific agencies for specified purposes or which undertake to work through their own subdivisions. Funds for maintaining networks of basic observation stations or for making basic topographic and soil surveys are much more difficult to obtain from Congress than are funds for basin-wide surveys or for data needed to design or maintain designated projects. Much of the work of the scientific agencies is on a matching-funds basis with state and local organizations. As a result, the fundamental data collection and investigations tend to suffer in those areas in which the construction agencies do not have immediate interest.

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[6] Leland Olds, *New Concept of Rate Making for the Electric Industry*, Annual Meeting of the American Public Power Association, May 9, 1946 (mimeographed), p. 11.

The scientific agencies are inclined to emphasize the development of national networks and surveys, and their investigators deal with more theoretical but nevertheless fundamental relationships among factors of land and water. The construction agencies tend to concentrate their funds in those basins in which major planning studies are underway. Available funds are insufficient to support either program on a scale which the technicians would regard as adequate to meet the demands for accurate and efficient basin plans; many plans reach the stage of authorization upon the basis of studies using data having unfortunate gaps.

While a unification of the construction agencies would ease the situation somewhat, this dilemma seems bound to be chronic. Each viewpoint has its strength and weakness, and the administrative task is to reconcile them as wisely as possible in the light of deepening scientific knowledge and of the political and economic demands for new basin studies.

A similar situation exists with respect to studies and surveys directed specifically at the preparation of plans. The larger construction agencies receive the largest appropriations for surveys. The smaller agencies having peripheral interest in the areas under study may have no funds or very small funds with which to cooperate. If the construction agency depends upon the smaller agencies to make the necessary studies of a possible ancillary use of a project, lack of funds may prevent an adequate investigation. If it transfers funds to the smaller agencies so as to support their work it is likely to specify amounts and types of studies to meet the needs as it sees them. If the smaller agencies have enough money to act quite independently they often are inclined to make little effort to reconcile their views with those of the construction agencies. Allocation of survey funds by an impartial agency offers some help but also runs the risk of undue detachment from the technical complications of making the field studies.

Central Review

Whether some form of review board is established in the Executive Office of the President or the present system of formal project clearance through the

Bureau of the Budget is maintained, the coordinating and reviewing of plans of agencies in the water field will remain a thorny task. The Federal Inter-Agency River Basin Committee, which functions through subcommittees dealing with technical problems such as sedimentation or with specific areas such as the Missouri Basin, has thus far shown itself better able to promote the exchange of technical information than to review and coordinate plans. Effective review of water plans requires reconciliation of conflicting or divergent policies as well as adjustment of several special purposes so as to form harmonious multiple-purpose projects.

No matter how much the water activities may be combined under national or regional agencies there certainly will remain a dozen or more peripheral agencies having some responsibility for water use and control but with primary orientation in other fields. Thus, stream pollution abatement is only one phase of the broad program of public health improvement directed by the Public Health Service; waterfowl refuges are an important but not a dominant concern of the Fish and Wildlife Service, and the regulation by the Federal Power Commission of power developed at licensed sites is merely one segment of its regulation of interstate energy transmission in the United States. In no peripheral area is there more overlapping of agency responsibility than in the twilight zone between water conservation and land conservation. The interlocking character of physical factors of soil, moisture, vegetation and land use affecting both crop production and the flow of water makes any clean-cut differentiation impossible. It is entirely impracticable to think of a unified administration encompassing soil conservation, forest conservation, fertilizer use, public land management, and crop marketing and production control as well as the primary water activities.

Because of the many interrelations of factors affecting land and water use it sometimes is maintained that no effective plan for conserving one of these resources can be prepared without taking into account the other resource. This is true, but it does not necessarily lead to the conclusion that the agencies dealing with the two resources must be under some common administrative supervision in order to assure integration of the two sets of plans. In some areas, of which the Wasatch Mountains area in Utah is perhaps the classic example, it is wholly foolhardy to attempt to cope with floods in the lower reaches of the streams without providing for wise management of grazing and forest lands. In other areas, such as the Tennessee Valley, it is important that the objectives of land and water planning be adjusted and recognized but it is not thus far essential to work out the details of the two sets of plans in close cooperation. The author is unaware of a single instance of a TVA dam for which the design was in any substantial way altered because of actual or anticipated programs for land management in the tributary drainage area; that is, the final system of dams constructed by the Authority was precisely the same as if there had been no division of the Authority concerned with upstream land use and no Authority program for soil conservation and forest conservation. There have, of course, been instances in which the purchase of reservoir land and the height of dam have been adjusted to meet local conditions of urban or rural land use.

No matter how consistent and embracing a water policy may be enacted by the Congress to guide Federal agencies it is most unlikely that such a policy would be long, if ever, harmonious with the prevailing Federal policies in the related fields of agriculture, transportation, and energy resources. Significant divergencies are likely to arise, persist and change as new objectives take form both in the water and related fields. It therefore may be expected that a principal task of the review agency will remain the effort to reconcile conflicting policies so far as practicable and to study the conflicts with a view to calling the attention of Congress to them. The strategy of adding new agricultural land through reclamation of wet or arid lands inevitably requires analysis of resources programs and of the national goals for agricultural price and production stabilization in the light of pressure of population upon food supply. The timing and character of new waterway improvements call for continuing appraisal in connection with programs for rail, highway and air improvements. Only in the past two or three years have Federal agencies begun to study the development of industrial water supply in relation to policy affecting concentration of manufacturing activity.

Whatever review and coordination may be carried out in the Executive Office of the President appears to lead, if carefully done, to correlation with two other management functions in that office. One is the budgeting of annual appropriations, the other is the appraisal of national fiscal policy. Unless budget estimates are related to basin plans and national programs they may run far afield from what was first intended. Likewise, the volume and distribution of expenditures for water projects once authorized is difficult to adjust to fiscal needs. Expenditures for water projects are one of the less flexible of public works undertakings. Although a large number of water projects are small, the bulk of the expenditures is involved in larger, basin-wide projects. The size, the complexity, and the inertia built up behind basin schemes make them exceedingly resistant to curbs. The only effective curbs are those which are set in motion long in advance through limitations in the size of commitments and initial authorizations.

IV. CONCLUSION

The foregoing outline of some of the organizational problems which promise to confront the Federal administrator regardless of whatever major reorganization may be effected in the field of water resources suggests that the fullest development of those resources in the public interest in the United States will require over many years a patient, constructive cooperation among perhaps a score of separate agencies. This complexity is inherent in the flow of water from headwaters precipitation to the sea and in the diverse adjustments which man makes to the quantity and quality of that flow. It springs from the intricate network of physical factors influencing flood and drought flows, the organic content of the water, the underground storage, the silt load, the stability of stream channel. It is conditioned by man's rapidly growing recognition of the interrelations among this web of factors and of the folly of seeking to adjust his activities to one strand in the web without taking the others into account. Such recognition is impaired by the fact that no two drainage basins have the same combination of physical factors, that many parts of the web are still unknown, and that the people who stand to benefit are in many instances unaware of other possible uses of the resource or find themselves in conflict over the available water. Because the relative importance of the several uses in the economy of the basin varies tremendously from basin to basin, and because the role which water may play in that economy may range from providing the life blood of an irrigation oasis to offering convenient but unnecessary waste facilities, no one use is everywhere dominant. Many uses of water are the concern of agencies which have responsibilities embracing other resources or economic problems. It seems inevitable that even if the recommended unification of several of the major agencies is carried out the Federal responsibility for water resources will continue to be divided among a number of agencies, some of them having only a peripheral interest. Without that diversity of administrative agencies the goal of multiple-purpose development of entire basins cannot be reached.

Little has been said about current duplication in the activities of Federal water agencies. There is, in fact, only a slight amount of direct duplication, beyond the major conflict between the Bureau of Reclamation and the Corps of Engineers to which the Hoover Commission addressed itself. There are a number of governmental functions, as already indicated, that involve two or more agencies dealing with the same water use from different points of view embodied in congressional authorizations. When the rapid growth in the concepts of drainage basin planning is considered, it is perhaps not entirely unfortunate that authority has been divided in this fashion. Had the Tennessee Valley Authority adopted for its construction program the plan first submitted by the Corps of Engineers, it would have invested its funds in projects far less productive of regional and national benefits than those finally designed by the Authority's own staff. Against the benefits from such divided authorizations must be balanced the costs of friction, delay and unnecessary staff. Indeed, at the present stage of technical thinking about water resources it probably is in the public interest to have a situation in which there is no direct overlapping such as that between the Bureau of Reclamation, the Corps of Engineers and the power agencies, but in which a number of agencies representing diverse approaches to water resources should have opportunity to compare their respective viewpoints. This does not presume conflict between agencies for control of bureaucratic territory. It does presume a pooling of information, techniques and policies with a view to arriving at answers which seem most likely to serve the needs and preserve the rights of the people involved. This requires consultation with all related agencies, often to the annoyance of the construction agencies which want to get on with their main business. It frequently will involve irritations and delays. This seems a small price to pay for truly unified plans.

No basin plan yet produced by a single agency or by cooperation among agencies may be considered as meeting fully the goals of multiple-purpose projects, unified basin plans, and integration in the national economy. But much progress has been made, and all agencies have increased their receptivity to methods for converting these goals into realities. As man's knowledge of hydrology broadens, as the scope of water uses expands and as Federal policy in water and related fields continues to evolve, the organizational problems at the national level seem likely to remain acute. Over-all reorganization would reduce them in substantial measure but would not eliminate them. They would continue to require sustained efforts through whatever devices may best serve to promote a friendly environment of exchange of information and viewpoints as widely and as early as practicable in the preparation of basin plans. These devices will include inter-agency committees, regional coordinating offices, inter-agency personnel training, and allocations of special survey funds. One important task of whatever central review agency may be at work may well be to promote understanding among Federal and state agencies alike that the most useful plans will be those prepared in a spirit of intelligent cooperation. Such cooperation would recognize the lag of water policy, the divergency and conflict of special interests, and the impingement of other national policies which together make constructive reconciliation an essential process in unified development of the nation's water resources.

THE VALLEY AUTHORITY AND ITS ALTERNATIVES

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In examining the Valley Authority as an administrative device for Federal water resource management this paper will assume that its essential characteristics are those exemplified by the Tennessee Valley Authority, with such additional complications as might be necessitated by the irrigation functions performed in the western states by the Bureau of Reclamation.[1] We may legitimately brush aside the allegations of communism and dictatorship as unwarranted propaganda exaggerations devoid of genuine reality. We may similarly discount many of the "new heaven and new earth" asseverations of those social idealists most susceptible to verbal inebriation who have stood out as the most ardent and vocal advocates of the new mode of organizing Federal resource administration.

I. QUESTIONS NOT OF THE ESSENCE

The functional activities of the Tennessee Valley Authority add little that is wholly new to the gamut of Federal activities found scattered among several of our orthodox administrative agencies. The fact that it prosecuted its construction activities by force account rather than by contract necessitated that it do the things that the private contractor would have to do. These have given the private enterprise alarmists their propaganda illustrations for the cries of communism. Its great reservoir projects located in rural and often remote areas required construction camp facilities for hundreds of workmen and their families, together with the essential community facilities. That TVA showed a more wholesome concern for the quality of housing, restaurant services, schools, recreation and health facilities of its employees than has been manifest by the typical private contractor is to its great credit. Its policies in these respects have helpfully influenced the construction camp planning of the Corps of Engineers and the Bureau of Reclamation, some of whose recent projects are providing much more adequate camp plans and facilities than was their wont.[2]

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[1] There has been a spate of Valley Authority proposals incorporated in bills presented for congressional consideration in which many variants on the TVA pattern have been made. It will be impossible to consider them here, but most of their features have been digested (down to the end of 1946) in two articles: (1) by Wesley Clark in this REVIEW, Vol. 40, pp. 62 ff. (February, 1946), and (2) by Robert Greenleaf in the *Iowa Law Review*, Vol. 32, pp. 339 ff. (January, 1947).

It should also be recognized that in the early thirties, when TVA was being launched, the national climate of opinion at first encouraged its Board to take a wide and generous view of the many welfare by-products that its construction program permitted. Its immediate task in 1933 was not only to create dams and reservoirs for harnessing the waters of the Tennessee River, but to put people to work. The folk affected were largely rural people living in substandard rural conditions. The generosity shown by TVA toward educational activities, its relocation program for the owners of bottom lands drowned by its reservoirs, its conception of ways to increase the utilization of hydroelectric energy in such a region, its need to keep its workmen and their families in good health—all of these interests when given concrete expression in a regional situation like that in the Tennessee Valley in 1933 seemed new, startling and radical to the *laissez-faire* engineers who directed the policies of the old river construction agencies.

The TVA was of course given a broader grant of legal right to pursue such by-product objectives than were its orthodox competitors. Toward the close of the War, the Bureau of Reclamation, in anticipation of the renewal of the irrigation phase of its Grand Coulee-Columbia Basin project, tried to obtain legislation to permit its District Engineer to provide better housing and other facilities for the expanded construction force. But the congressional climate had changed, and the real estate boys and other high cost purveyors of cheap facilities in Coulee City blocked the authorization.

TVA's right to buy watershed lands for watershed protection and conservation could not have been matched by the Bureau or the Corps, even had they been interested. Until recently they had no right to buy watershed land not needed for flowage and water storage purposes. Consequently when these agencies were finally given the authority to consider the recreational by-products of projects already constructed—such as the great Franklin D. Roosevelt Lake behind Grand Coulee Dam—an expensive purchase program of land acquisition, due to appreciated values gratuitously handed to private owners by federal enterprise, became necessary. But we should note that in this matter the TVA policy in recent years has moved, under the influence of the conservatism alleged by Selznick to stem from the Division of Agricultural Relations-State College-Farm Bureau forces, toward the former position of the Corps of Engineers and the Bureau of Reclamation.

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[2] We need not take the town of Norris as the typical TVA contribution. It was an expensive, permanent town, whose cost was not repeated elsewhere. More characteristic was the construction town for Fontana Dam, where acceptable, portable, temporary houses were used for that portion of the town that would shrink when construction was finished. The amenities furnished there give the kind of example which has beneficially influenced the Corps and the Bureau.

In clearing away the underbrush about the Valley Authority issue we may also dismiss the allegation of encroachment on states rights. With the single exception of the control of resale rates charged for electric energy by its distributors (an exception amply warranted by the ineffectiveness of state utility regulation) TVA has not tangled with the legal jurisdiction of the states. Were valley authorities to be transplanted to the West, they would have the additional issue of private water rights which are controlled by the states. While some of the earlier MVA and CVA bills blundered into a position which gave some legitimacy to the hue and cry that arose on this question, care has been exercised since the second Mitchell bill of 1945 to subordinate the proposed authority's irrigation development functions to the traditional state sovereignty over water rights.

To eyes not blinded by unreasoning prejudice it should be fairly easy to see that TVA has been of great help to towns, school districts, counties and states in the valley in the exercise of latent powers which formerly they had either neglected or had performed inadequately. By its policy of delegating many of its tasks to state and local institutions, on a contractual and compensatory basis, and by its proffer of free technical assistance, it has constituted a major source of the yeast that during the past fifteen years has greatly raised the level of state and local services in that part of the South, and strengthened rather than impaired the vigor of established local institutions. The concern for the virility of the orthodox local and state agencies under the impact of TVA when valley authorities are proposed elsewhere is certainly not matched within the Tennessee Valley. As a matter of fact precisely the opposite criticism is made by Selznick in his recently published study of the TVA.[3] He asserts that its support of the State College-Extension Service agencies has inhibited the growth of the new local institutions (Soil Conservation Districts) which would have competed with the former. His evidence seems also to point to undue self-restraint on TVA's part in supervising and auditing the expenditure of its grant-in-aid funds to the State Colleges which were its agents in the land-use program. Whether these criticisms are fully warranted we do not at present know; nor do we know whether the other grants which TVA as a reappropriating agency has disbursed to many state and local governments have been handled with too little control. (Had controls been irksome Congress would undoubtedly have aired the grievances.) It is most unfortunate that the Hoover Commission felt unable, or unwilling, to provide a systematic and thorough staff analysis of the TVA as a Federal operating entity, for until a competent and comprehensive study of its administrative experience is available we will not be able to evaluate for application elsewhere many of the techniques it has used.

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[3] Philip Selznick, *TVA and the Grass Roots* (Berkeley, 1949).

The battle over the allegations of "communism," "dictatorship" and "states rights" has tended to obscure from our attention the real problems imbedded in the Valley Authority question. The debate ought to turn on the more narrow and semi-technical issues of how the field administration of Federal resource development and management functions can best be performed. What are the shortcomings of the present traditional administrative structure used by the Federal Government for the job of harnessing the waters of our river valleys so as to minimize their destructive aberrations and to expand their human usefulness? What are the deficiencies, if any, in the Federal management of its own wild land resources, including the forests, and in speeding up the acceptance of conservation practices by state, local and private land owners? What obstacles to fuller development and more complete utilization of our mineral, timber and agricultural resources inhere in the traditional bureau, departmental and field structure? What now obscures the comprehensive, all-regional view which should guide the mosaic of Federal resource programs and policies in whole water-shed regions, and which should subordinate bureaucratic jealousy and foster an integrated administrative product shared not only by Federal agency partners but by the states and local government as well? Will the Valley Authority device offer the best administrative cure for the defects that exist? These are the relevant questions we should ask and for which we should seek answers.

II. DECENTRALIZATION BY FEDERAL AGENCIES

There are deficiencies, and serious ones, in the present Federal field structure on the whole resource front. Let us briefly describe some of the more outstanding items in this indictment. First, powers of bureau field officers differ greatly among Federal agencies. Program correlation is impeded by these differences. While each agency is represented by a field establishment, the degree of delegation to deal with its own functions as well as with interagency problems varies from that of Bonneville Power Administration—in effect a full fledged bureau located in a single region and reporting directly to the Secretary of the Interior—to the numerous scattered Geological Survey field offices with almost no discretion to make decisions on interagency matters and no common regional superior responsible for the total field effort of the Survey. Such a structure is like the 19th century battle fleet whose speed was determined by its slowest collier. Interagency cooperation and the making of integrated resource plans and programs are slowed down and hindered because some field officials have no discretion to commit their agencies or no power to command a region-wide field staff. This handicap of uneven delegation of field authority, of variation in the degree of regional integration of agency structure and of differing regional boundaries for field administration applies to water, land and mineral agencies.

Yet we must note that during the last few years improvement, real though slow, has been made in bureau-field patterns of structure and powers. The Department of the Interior, which had remained the most highly centralized of the major resource departments, awoke in the early forties to the need to overcome some of these administrative lags. Thus the Bureau of Reclamation has been changed, since 1943, from a highly centralized, Denver-directed agency, to a fairly decentralized and regionally oriented structure. The old General Land Office has at last been pulled out of its hard cocoon of centralized, inert, legalistic red tape and is in process of metamorphosis into an active, on-the-ground resource management agency with a new name—the Bureau of Land Management—and with new leadership. The National Park Service, during the last decade, has regionalized and to some extent decentralized. Within the past six months the Bureau of Mines has reconsidered its structure and redistributed its powers in the light of a decentralized conception of field needs. The Corps of Engineers has long given its District and Division Engineers large initiative and responsibility in the design and construction of river structures. In the Department of Agriculture the Forest Service under Gifford Pinchot's leadership pioneered the movement for efficient, decentralized, on-the-ground resource management. That lead has been followed by the Soil Conservation Service, which shares with it the major burden of active land and watershed resource work within the Department of Agriculture.

III. DEVELOPMENT AND MANAGEMENT OF WATER-IN-THE-CHANNEL

A second defect in the current situation is the friction and disjointedness of the structure that deals with the water-in-the-channel problems. This is well illustrated by the situation in the Pacific Northwest where there are three major construction and operating agencies: The Corps of Engineers, the Bureau of Reclamation and the Bonneville Power Administration. A fourth, the Federal Power Commission, shares in river planning, though its actual interest has been principally concentrated on the hydroelectric phases of water planning. But sound river plans and operations also depend on the hydrologic and stream data developed by the Geological Survey which installs and operates stream gages, studies ground water supplies, makes topographic maps, locates dam sites, etc. This is a creaky, friction-producing structure.

There is plenty of evidence that in the seventeen western states, where the Bureau and the Army operate on the same river systems, duplication in river planning and friction over jurisdictional matters develop. Years ago, when the Army kept to the lower parts of the rivers and concerned itself chiefly with harbor and channel work and the Bureau stayed in the semi-arid hinterland on the upper basins, they got along amicably because they did not compete. Each was then chiefly concerned with special water purposes. Today they are both multiple-purpose oriented and system-wide conscious. This laudable departure from single purpose, single project obsession nevertheless multiplies the jurisdictional problems in planning, timing and operations. The Corps of Engineers has moved upstream while the Bureau moves toward the sea, each seeking to stake out its claim for construction and operation of major multiple purpose works. The result has been a state of latent warfare which, despite the pressure for harmony induced by the threat of an Authority, sometimes breaks out into the open as it did in the Missouri and the Central Vallies and, more recently, over Foster Creek and Hells Canyon Dams on the Columbia. Although during the past year a truce has been signed between the Departments of the Interior and the Army which amicably divides the potential construction jobs in the Columbia River basin, comparable pacification has not been attained in the Central Valley or the Southwest. Peace on this front, even if it may be assumed to last, will not solve the conflict issues that are bound to arise in the operation of an hydraulically and electrically interlocked system of river structures. The planning and operation of a system of river structures is the job of a single administrative organization, as the Hoover Commission concluded a year ago. Voluntary cooperation on the technical level—of which there has been a great deal—is not enough. The flowing channel waters of any river system constitute a great single force which demands unified human manipulation for its best utilization.

Where there have been created special hydroelectric transmission agencies for wheeling energy from the Bureau- and Army-operated generators to the market load centers, as is true in the Columbia River valley and in one part of the Southwest, there is a third party to this vital interest in the manipulation of the "water-in-the-channel." An agency such as the Bonneville Power Administration builds the transmission lines and sub-stations, finds the customers to buy the power and collects the revenue that makes possible the repayment of a large proportion of the reimbursable features of the Federal river structures. It must "pay out" but it has no control over the costs of the water-in-the-channel structures or of the operation of the generator facilities, and no final right to fix the rates for electric energy developed at Army-built structures.[4]

The design of generating facilities has an integral functional relation to the technical characteristics of the transmission system. Faults on the transmission system will have a vital effect on the switch-yards through which the generating plant and transmission system are connected and on the generator installations. There is a reciprocal relationship when trouble occurs in the generating plants, that may disrupt service to the customers of the transmission agency. Space does not permit other illustrations of the organic-like nexus that binds electric transmission interests with those of design, construction, and operation of the dams and reservoirs.

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[4] The Federal Power Commission determines the rates, as it also allocates the joint costs among the several purposes on the Army built dams, and approves the power facilities to be installed in structures built by the latter agency. It has no comparable rate making or cost allocating functions for river projects built by the Bureau of Reclamation. This difference in jurisdiction is an accident of history and makes no sense in river system planning and control.

If in contrast we look again at the Tennessee Valley Authority, we will find that its most signal contributions to Federal administrative experience lie, first, in the manner in which it has handled water resources, and second, in its intermeshing in over-all regional terms of all of its resource development and utilization programs.

Let us first examine its work as a water agency. There are a few limitations on its water functions. It is not generally realized that it still shares with the Corps of Engineers and the Coast Guard some of the water-in-the-channel duties. The Corps designs, operates and maintains the locks in the navigation structures on the main Tennessee; it builds the levees that are necessary for supplementary flood control protection at Chattanooga; it still makes studies and local flood control plans for the tributaries where the works required do not involve dam construction; it must give its consent to the building of structures affecting navigation along or across the streams while the TVA gives a second review for all the purposes within its jurisdiction; and the Army continues to regulate the clearances of bridges and the operation of draw spans. These duplications of navigation and flood control functions are wasteful and irritating, but the Army shows no sign of voluntary retreat on the Tennessee front and Congress has not yet compelled it.

A second minor duplication results from the transfer from the Army to the Coast Guard in 1937 of the mapping of sailing lines and the placing of channel markers on the main Tennessee. Though TVA's maintenance staff constantly patrol the river, and its engineers collect the data essential to the marking of channels and the mapping of sailing lines, the Coast Guard maintains three depots and a small staff on the Tennessee for these navigation functions.

The rest of the water-in-the-channel functions on the Tennessee system have been wholly under TVA jurisdiction. It has been charged with the construction of a system of dams and reservoirs on the main river and its tributaries which would provide a nine-foot channel with appropriate water supply to maintain it from the mouth near Paducah to Knoxville, and would aid in controlling destructive floods on the Tennessee and in the Mississippi drainage. The original TVA authorized not separate projects but a system of river structures based upon a unified plan of development for the whole basin. Out of this has come an integrated system of nine main river dams and reservoirs, fifteen storage reservoirs on the tributaries, and five smaller tributary dams owned by Alcoa which, under agreement with TVA, are operated as integral parts of the Federal river structures.[5] Some minor additions to the system are anticipated, but the major river structures needed for its water management job have been built.

To obtain maximum multiple-purpose benefits from this system requires the accurate conceptualization at the time it is designed of the part that each completed structure is to play. This would be a matter requiring great care were flood control or navigation the sole objectives, but when to these purposes are added hydroelectricity, malaria control and fisheries, forethought is especially demanded. (If the Tennessee were a western stream, irrigation would have to be added and malaria might be subtracted.) In the calculation of design characteristics as well as in planning reservoir operating rule curves TVA has not been under the kind of special loyalty to one or a few purposes that the older water agencies so often have shown. To be sure the statute on which it rests gives specific priorities to navigation and flood control, but there is no traditional allegiance to blinker the process of adjustment so as also to prevent the maximum reconciliation with other purposes.

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[5] Four of the TVA owned tributary dams and one of the main river dams were acquired by purchase from the Tennessee Electric Co., when that system was purchased.

We can perhaps see the significance of integrated management of all the water-in-the-channel functions if we briefly indicate the administrative structure and operating practices TVA has developed for this purpose. First, notice that, in its organization under the General Manager, the Chief Engineer has been entrusted with carrying out the water use priorities established by the Board. It is to him, and his Water Control Planning unit, that the Board looks for advice in setting the rule curves for each reservoir based upon the allocations made therein for each of the several water purposes. The Water Control Planning Division has been detached from any operating connection with any special water use. The power function is administered by a Power Manager who stands apart from the organization under the Chief Engineer and thus removes from him any temptation to distort plans for water use in favor of the revenue producing hydro-electric utilization. The head of the Water Planning Division chairs a continuing water policy committee of three (one member from Power and the other from Health) which strives to resolve any conflicts between the several water purposes. The chairman circularizes all TVA departments in advance of any meeting to invite their representatives if their interests are affected by the agenda before the Committee. Recommendations on use policies go to the Chief Engineer, who, in the absence of unanimity, makes the decision.

Next, TVA's day-to-day operating arrangements further exemplify how administrative structure may be directed toward unbiased adjustment of purposes. When reservoir operations confront problems not covered by rule curves or by specific instructions, the issues are resolved by the head of the River Control Section in the Water Planning Department, who is connected by leased wire with the operator of each reservoir.[6] He makes the decision when some unforeseen mosquito control, navigation or other problem requires a quick change in the level of a reservoir.

During the flood season, when a major storm is on its way, it is the Chief Engineer's organization that takes command. By confining heavy precipitation in this valley to the period between mid-December and April 1st and by routing storms over a definite pathway, Nature has made possible reasonably accurate forecasts, of both long and short range. These forecasts are made by a meteorological unit maintained at Knoxville by the Weather Bureau. During a flood

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[6] The operating crews at the dams are in respect to other matters under the direction of the Power Manager.

period it works closely with the engineers of the Water Planning Division, making possible three daily changes of water control program in any or all of the reservoirs if forecasts and rain and stream gauge reports so indicate. The whole watershed is dotted with gauges from which reports pour into the Water Planning Division each day (some at two hour intervals), making it possible to watch carefully the actual run-off conditions confronting each reservoir in the system. Experimental studies of rates of water flow in the channels and the reservoirs between significant points in the whole river system, together with the quantitative forecasts and the reports of run-off on each segment of the watershed, make possible the development of operating plans to get the flood past the critical points in the valley with least damage. As the heavy rains sweep up from the Gulf of Mexico and begin falling upon the flat lower valley, the down-stream reservoirs are opened for rapid evacuation. Because it requires an interval of from two to three days for the storm to reach the high slopes of the up-stream tributaries, the reservoirs on the latter can be lowered so that when the rains hit the upper country these reservoirs will have maximum storage space to catch the run-off and ease the demand on the main stem reservoirs down in the lower valley.

It is impossible here to describe the intricate sequences in the manipulation of the system of reservoirs that may be involved in mastering a single flood-menacing storm, or to trace the seasonal schedules and interrelationships among the units of the system for electric power production, malaria control and the spawning of fish. It is clear enough to any one who has examined TVA's water-in-the-channel operations that a great river system of control structures cannot be satisfactorily operated on the basis of inter-agency agreements, written or oral. Written guides and instructions are important for "normal" non-emergency operating conditions, but when the unexpected happens or the crisis conditions (which are the essence of great floods) must be met, a single center of decision which will evaluate the current facts and give the orders for manipulating each affected part of the entire river system is essential. Even for reconciling the non-emergency conflicts between competing, or partly competing uses, a single integrating, operating judgment is the best arrangement for water-in-the-channel functions. This will smooth out frictions and delays and minimize wastes in many of the processes of administration, including the construction-design phases.

I am convinced that the best development and management of the water-in-the-channel functions (including the hydroelectric transmission job) requires a single operating agency. Whatever happens to the Valley Authority proposal, a nationwide unified River Development Administration which absorbs the civilian functions of the Corps of Engineers, the Bureau of Reclamation, the Bonneville Power Administration, the Southwest Power Authority, and the water planning tasks of the Federal Power Commission should be constituted.

IV. MANAGEMENT OF WATERSHED LAND

Granting the significance of TVA in demonstrating the above proposition, does it also follow that the function of water-shed conservation must be joined in the same administrative organization? It may be answered that it does not, provided planning and program budgeting phases of land and water functions are integrated.

Watershed management does affect in a number of particulars the volume, timing and quality of the run-off which must be handled by the water-in-the-channel structures. Sometimes land management practices are of importance, but often they are of minor or no consequence for the design and operation of these engineering structures. The situation differs markedly from river basin to river basin, and even within the same river system. Within the Tennessee system (as in other river basins in this country) the greatest floods for which the large river structures must be planned would occur regardless of the completeness with which the watershed lands were clothed with vegetation.[7] The coupling of land management functions, including the farm soil conservation programs, along with river development powers under the TVA was based largely on the assumption that only by this combination could the reservoirs be protected from rapid siltation. Strangely enough the danger of silt damage, except to structures on one of the small tributaries, seems to have been greatly exaggerated. TVA's own silt studies indicate a very low rate of silt accretion.[8]

But even assuming the existence of siltation menace, it would still not be necessary to place the land use management tasks within the same operating organization. There is no evidence that either in the Tennessee Valley or elsewhere the watershed management of National Forest wild lands by the Forest Service is any less efficient for water conservation purposes than is that of TVA over those parts of its watershed estate which it has retained for direct control. TVA has not hesitated to turn over large tracts of wild land adjacent to National Forests or National Parks to the Forest Service or the National Park Service for independent management. Evidence is not available to prove the superiority of the TVA financed (but State Extension Service administered) farm land conservation programs over the Soil Conservation Service's work through local Soil Conservation Districts which it services. TVA has not been able to furnish accurate statistics showing the results that have been attained in its farm land conservation program. If we may credit Philip Selznick's recently published study, the operation of this farm land conservation program has received very loose supervision from TVA and has in effect been the program of seven independent State Extension Services.[9]

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[7] In the arid West there are some small streams or tributaries where the principal source of flood waters is snow melt and where the soil texture is such that good watershed management could probably greatly reduce or, in some cases, might eliminate spring floods.

Soil permeability in these arid regions, increased by good vegetal cover, might care for all or part of a local flood menace. Similarly, restoration of vegetal cover on the mountain meadows of the inter-mountain region, and the brush covered slopes of the mountains in Southern California would prevent the mud-rock flows that have cursed the towns and villages along the Wasatch front, in Southern Utah, and some of the Southern California cities, when heavy rainstorms descend in fury on these localized areas.

[8] On the Columbia River system no recent or adequate siltation studies exist, but such evidence as is available (as assembled by Consulting Engineer John Stevens for the Corps of Engineers at the time of the construction of Bonneville Dam) indicates no siltation danger to the main river structures. On the other hand, there can be no doubt that in the inter-mountain basins, in the southwest river systems and on some of the streams of the southeast, siltation is a very real menace to the longevity of river projects and the perpetuation of irreplaceable dam sites.

There are some fundamental differences in essential administrative arrangements as between managing land resources, especially those of the "wild lands," and handling "water-in-the-channel." The latter is a liquid substance moving more or less rapidly in a constricted pathway and varying in volume and force with seasonal changes of climate. Confined to this common pathway is the energy it creates (except for the released hydroelectric energy transmitted from the generators), the freight it bears on its surface, the fish it nourishes in its depths. It requires a common master to organize and direct the intimate relationships thus physically existing among its several uses. Nothing like this complexity or intimacy of physical relationships ties one part of the land surface of a whole river watershed to all other parts. Timber on a local watershed can be liquidated without interfering with the practice of sustained yield on a neighboring tributary. It is usually possible to exercise good grazing control and maintain good ground cover in one pasture, even though across the fence ill management has destroyed the grass and produced a sage brush waste. To be sure there are some problems of land management, such as fire control, pest or insect control, and some erosion situations that necessitate cooperation between the managers of adjacent land units. But even these situations requiring joint administrative effort are local and do not embrace whole river basin watersheds. The essential administrative unit for direct wild land management is the grazing district, the ranger district, or a minor tributary watershed. Each has its peculiarities of topography, soil composition, forest and ground cover, temperature and precipitation. Infinite variability in the land resource requires great variation in direct local management practices even while general social goals are pursued in common.

The regional headquarters of a land management agency should only rarely be called upon to "direct" operations. It should be a coordinating, facilitating, advising and occasionally a checking unit for the field managers. In contrast to a river administration it does not need to order an action at some location high on the water-shed which will be felt in a physical management sense at every other point throughout the region. Its plans for physical structures are intended for localized management purposes, not as parts in an integrated service tied together in prospective daily operations for a whole watershed.

The predominant body of knowledge and skills needed for land management differs markedly from those essential for the water-in-the-channel tasks. It is from the biological sciences that the fundamental facts and ideas are chiefly drawn for giving increased control over land resource use. The immediate users of the land resources are the farmers for the "tame lands," the live-stock ranchers for the grazing and range lands and for the extensive forage resources in the timber of the National Forests, the loggers and saw-mill operators who buy and get out the timber, the hikers, campers, skiers, the hunters and fishermen who tramp the woods and mountains and whip the streams for recreation. While there is some overlap, on the whole the clientele and the economic and social considerations of Federal land resource management differ markedly from those of the water-in-the-channel functions. As to the latter the shipping and water transport interests are concerned with navigation, the private cooperative and public electric distribution systems and the industrial consumers of large blocks of power are the immediate beneficiaries of hydroelectric energy, whereas the owners of land and structures on the flood plain, particularly concentrated in the industrial sections of the larger urban centers, are the most substantial beneficiaries of flood control. Irrigation projects find ardent support from the railways, from town businessmen expecting increased trade, from the contractors who build the dams and canals, and from some of the agricultural interests.

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[9] See Selznick, *op. cit.*, pp. 124 ff.

Operating consolidation of Federal land resource management tasks with water resources, whether under a Valley Authority or under a single national Resources Department is not essential, so long as provision is made for *integrating the planning and capital budget phases of land and water programs.* The concept of an organic unity in nature which compels a single administrative entity for both aspects of resources is only partly true and may be overworked. This is the exaggeration into which the eloquent minority of the Hoover Commission falls. Messrs. Acheson, Pollock and Rowe play tunes with the notion that the unity of nature constitutes a kind of "natural law" to which public administration must structurally conform.[10] This grossly over-simplifies both the facts of nature and the nature of administration.

Unity and diversity coexist in the relationships among physical resources as among many other subjects of governmental function. What is important to note is the degree, the frequency and the character of the unification needed, and the varying administrative structures and methods most appropriate for the particular administrative objectives. If a group of differing but interrelated activities has constant need of joint attention in its day-to-day functioning, then clearly the administrative structure required is one which will permit day-to-day direction with day-to-day communication up and down the line of command. If, however, the activities are on the whole capable of efficient daily conduct with only occasional consultation about the joint relationships or "unity" matters, lesser organizational closeness of control is indicated. There are many differing degrees of administrative coordination required for these differing but occasionally related tasks of management. There are moreover "pulsating" changes in the need for relatedness—sometimes much joint attention is required, sometimes slight. The concept of "planning" coordination as distinguished from "operating" coordination assumes that effective joint attention shall be given to interrelationships (unities) when basic policies and principal programs to implement them are being decided. My criticism, therefore, of both the Valley Authority advocates and the Hoover Commission minority thesis is that neither sufficiently distinguishes those "unities" that require an identical "operating" structure with the same directing superior from other "unities" that can be well satisfied by a common planning or other coordinating mechanism.

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[10] See Commission on Organization of the Executive Branch of the Government, *Department of the Interior* (Washington, 1949), pp. 69 ff.

Yet it is true that the Valley Authority is the only Federal device that has as yet satisfactorily filled that common regional planning need for water and land resource development. It has not only done a good job in this matter, but it has had unique success in communicating to the staff in its several divisions a remarkable understanding of the total situation in the Valley and much sensitive perception of the interrelated interests among the many facets of the whole Authority program. However, it does not appear, on the basis of Selznick's data, to have broken through the Farm Bureau myopia and the Extension Service orientation of its Agricultural Relations Department, in the handling of its land use programs on Valley farms, its care of reservoir-displaced persons, and its water-shed purchase and management policies. If there is to be a serious search for alternative modes of organizing Federal resource administration, as there ought to be, the regional planning function which TVA has provided must be recognized.

V. NATIONAL AND INTER-REGIONAL INTERESTS

I am reluctant to approve the transplantation of Valley Authorities to all the major river watersheds because of the difficulties I believe such a blanketing of authorities would bring to the adjustment of *inter-regional* problems and the pursuit of *national* interests. A river system watershed region, or any other regional area, is not adequate for a self-contained unit of government. We must not lose sight of the inter-regional interests and conflicts which will certainly arise when we split the job of resource development among these valley entities. There would then be required a national administrative organization divorced from particular Valley Authority allegiance which could make the administrative adjustments required and could effectively spearhead the changes in congressional policy which would inevitably be needed from time to time. Behind the several Valley Authorities will develop tremendous political "oomph"; particular interests adhering to each of the many programs will build alliances with the local congressional delegations. An Authority will be constantly tempted to use these alliances to break presidential restraint exercised in the interest of inter-regional adjustment or national objectives. The localist ethos which determines congressional behavior under our check and balance system makes peculiarly likely this union of local interest groups under the Authority aegis. We may thus get a new and uncontrollable sectionalism, pulling us apart at a time when from the standpoint of both our domestic and international interests we must be increasingly guided in public administration by national policies and goals. If the Valley Authority mechanism becomes standard, then certainly we must drastically revamp the national executive structure on the domestic front to equip the President with the administrative arrangements for mastering his own establishment. I find it very difficult to reconceive an executive organization in which this would have reasonable assurance of attainment.

With few exceptions the advocates of the Authority plan have ignored this basic issue. Because of national and inter-regional interests which I shall presently illustrate as part of my case against the Authority schemes, the least change required would involve the creation of a super-cabinet department able to command the headquarters staff services of all the resource bureaus in the Department of the Interior, at least the similar facilities of the Forest Service, the Soil Conservation Service, the Farmers Home Administration, the old AAA unit of the Production and Marketing Administration, the Bureau of Plant Industry and Soils, the Bureau of Entomology and Plant Quarantine and probably other scientific and credit functional units of the present Department of Agriculture, and part of the staff facilities of the Department of Commerce recently pointed toward area development and furnishing technical assistance to small business. These bureaus in these departments would have to be reduced to a functional staff relationship for servicing the Valley Authority units through the super-cabinet chief exercising line control over the latter. This may not be an impossible task, but I am very doubtful about its accomplishment, and therefore I should prefer to try an alternative scheme built on the essential principles of our existing executive organization and on incipient changes already under way.

We should remind ourselves that, regardless of the administrative need of regionalized units of executive agencies so important for the planning and execution of resource objectives, our basic cultural tendencies are in the direction of national uniformity of social needs. The national and international interest in the location, extraction, use and ownership of physical resources is strikingly illustrated by the part which fissionable materials are destined to play in human welfare. All of us acknowledge that national and international interests must have right of way over regional considerations in deciding how and by whom these materials shall be taken from the earth, processed and used. The whole conservation "problem" in this material so transcends all regional interests that no one, least of all David Lilienthal, is suggesting that development and management of these resources be delegated to a Valley Authority.

This is not a typical case, yet there are aspects of resource management in every material which call for national action, not only by Congress but by the national executive officers who serve the President. Our mineral resources, for example, are not renewable and many of them exist in limited quantities. There is clearly a national concern with reference to their exploitation and utilization, which, however well expressed in congressional statutes, will require for its administrative fulfillment and control some kind of national executive entity to furnish supervision and to inaugurate the research in extraction techniques, processing and use so as to maximize and prolong the life of these exhaustible and ofttimes irreplaceable resources. No matter how ingenious we may be in decentralizing operating authority so that it will improve management by making the jobs more "manageable" and by giving attention to diversities, there is still a clear case for an administrative center at the national level to act for the President and the Congress in the interest of national policy. To do this it must have ultimate power to curb, to advise, to give technical aid, and if necessary to withdraw administrative power from the regional establishment through which we should seek to accomplish the bulk of the operating jobs.

The case for centralized administrative supervision may be illustrated from the renewable resource group. The Forest Service maintains its great Forest Products Laboratory at Madison. It is expensively staffed with a large corps of chemists, physicists, research engineers and others. It is equipped with machines, contrivances and space costing millions of dollars. To duplicate that staff and plant in every regional area to serve the several Valley Authorities would be economically indefensible. Even though certain wood laboratory problems may well be handled in smaller specialized regional laboratories there are obvious economies in the use of central laboratory and research facilities for a great deal of the research which is so essential to good and progressively improved resource management of every sort. The Forest Service in other research needs, the Soil Conservation Service, the Bureau of Reclamation and the Corps of Engineers use both centralized and field research units to solve their research problems. Sometimes it is found that one regional laboratory can do the chief research for a number of regions—as illustrated by the heavy equipment laboratory in Portland which services all the Forest Service regions. The magnificent Denver laboratory does both the basic and most of the applied research that has made possible the success of such stupendous structures as Boulder and Grand Coulee Dams and it is being used to work out many difficult engineering problems of the Central Valley Project in California.

These research facilities must be closely tied by administrative allegiance to all the regional engineering organizations that do the building and the resource managing. This would be very difficult if not impossible with a series of independent Valley Authorities.

But there are other administrative needs also which, regardless of the way we organize for resource management in the field, ought to be performed by national centers of administration. Within the limits of congressional policy these centers must devise the functional standards of quality, quantity, variety and cost for similar programs performed in all the river basins of the land. Such standards must be based in part upon national interests. Look, for example, at the case of timber resources. Soil and climate differ greatly from region to region in their relation to timber production. More rapid growth can be obtained with less effort and cost in the southeastern part of the United States than in Idaho or in most other parts of the Rocky Mountain area. Decisions concerning the intensiveness of forest management made by a regional agency might be thoroughly unjustified in the light of comparative facts in all regions and in terms of over-all national costs and policy. It is likely to be good public policy to spend most heavily for intensive timber management where forest production per unit of investment will be high. It may even be wise to manage some low-producing timber areas primarily for watershed protection, grazing or recreation.

Congress cannot develop the measurement of the many variable factors relating to resources which is necessary for building management standards. This task cannot be safely performed by isolated or competing regional administrative agencies, whether of the Authority or the traditional pattern. It must be the job of a central administrative organization which utilizes the data and insight developed throughout the entire national experience.

The hydroelectric resource illustrates another kind of inter-regional interest. It is to the regional interest to obtain the benefit of low power rates which reflect the low cost at which power can be developed in a particular region, such as the Pacific Northwest, as compared with other regions. There is, however, a national interest in preventing undue inter-regional price competition in power rates. The reconciliation of these conflicting interests requires an over-all national executive view which is absent even today. Space does not permit exploration of the inter-regional problems raised by the diversion, actual and potential, of water from one river system like the Columbia which possesses a surplus, to a water deficient region; of the complications increasingly to be anticipated as the economic transmission distance for electricity—already 500 miles—increases. But these are important questions transcending single river basins.

VI. RECASTING OF THE TRADITIONAL ADMINISTRATIVE STRUCTURE

In searching for alternatives to the Valley Authority we ought not to abandon but should improve the functional principles on which our national executive structure rests. We should be guided by a goal which will include the attainment of comprehensive and regionally-integrated resource programs while simultaneously affording balanced development as between regions. The goal must include the attainment of minimum national standards of resource conservation and use in all the river basins (or other regional areas) of the United States. Our problem is to find ways of remolding and completing our traditional functional pattern so as to repeat in all parts of the country those significant advances achieved by the TVA, while forestalling or adjusting inter-regional conflicts and inequities.

As suggested above there are many values implicit in the traditional vertical bureau and departmental mode of organizing national administration. By way of summary these may be said to include: (1) greater assurance that similar treatment will be accorded similar problems throughout the nation; (2) the utilization of central staff services and research or laboratory facilities that cannot be afforded in each regional area; and (3) the restraint of sectionalist or provincialist tendencies which in this and other countries have often injured administrative efficiency and prejudicially distorted the fulfillment of policies in the national and international interest.

Four inter-locked steps in structural change are essential: (1) A regrouping of departmental services so as to give more coherent and unified operating agencies for the several major resource clusters; (2) the more general use of decentralized regional field services; (3) completion of the intra-departmental coordinating arrangements in the field and in Washington now incipiently but too slowly developing within the Departments of Agriculture and the Interior; and (4) the location in each regional area of a representative of the Office of the President reporting to a Resource Field Service Division who will lead the interdepartmental planning and capital budget programming of resource development on a region-wide basis.

The Hoover Commission has already charted the outlines for revamping the departmental clusters to secure better management. On the water phase, which is our chief interest, its plan for the creation of a new Water Development Service is a major contribution toward a desirable alternative. This would group civilian functions now performed by the Corps of Engineers with those of the Bureau of Reclamation, the Bonneville Power Administration, the Southwest Power Authority, and the Power Division of the Department of the Interior. It would give the major water-in-the-channel activities a fitting administrative vehicle for coordinated performance. The majority ought to have accepted the minority view that the river planning and Federal project rate-making functions of the Federal Power Commission should also be transferred to this new agency, for these are duties involving unnecessary duplication.

Two other minor amalgamations would have been beneficial, namely (1) the Coast Guard channel-marking and mapping on the rivers, and (2) the water data-collecting duties of the Geological Survey. Elimination of the Coast Guard on the rivers would cut out unnecessary duplication, because the river maintenance forces of the Water Development Service will have to perform some of these services and could handle all of them with no appreciable increase in cost.

The proposal to transfer the Geological Survey functions will meet with more legitimate objection. It will be said that the business of collecting and evaluating stream flow and other water data should be performed by an agency not biased by construction functions. This position would be sound if the Geological Survey had really been used for this purpose with any completeness. But the sad fact is that the Geological Survey, through no fault of its own, has never had enough money to gather the essential information required for a large proportion of river projects when these were authorized by Congress. Congress and the river construction agencies have barged ahead with their construction plans. The Corps and the Bureau of Reclamation have thrown small sums to the Survey to scramble together, after the fact, such supplementary data as could be obtained in the short periods before structure designs have had to be frozen. Ever since the National Resources Committee's Water Resources Committee published its report on "Deficiencies in Hydrologic Data," Congress has been repeatedly told of the urgency of more complete hydrologic information to prevent the wastes of over- or under-building on the streams. But the Survey still weeps in vain for funds with which to meet its responsibilities. It seems time to try another tack, and give to the unified construction organization, which will fall heir to the influence over Congress of its several predecessors, the full responsibility of getting the funds so as to obtain the water facts on which it should base its plans.

The other major departmental regrouping of resource tasks that will vitally affect the case of needed field coordination with water resource activities relates to the wild public lands. Again the Hoover Commission report offers a way (or two ways—if we include the vigorous minority recommendation) of doing this by amalgamating the Forest Service with the Bureau of Land Management into a new operating agency in the Department of Agriculture. Small doubt exists that an amalgamation of the land management functions of these services is essential (whatever department gets them) both for operating the land functions and for making easier the correlation, through an interdepartmental planning structure, of water with land programs where such correlation is indicated.

VII. INTRADEPARTMENTAL REGIONAL COORDINATION

Given the rationalization of the Departments of Agriculture and of the Interior and the withdrawal of civilian engineering jobs from the Army, efficient regional resource management will be much easier to attain. So far as water resource operations are concerned, if the Hoover Commission plan is accepted, the major tasks will be correlated within a single Water Development Service. With a generously decentralized field organization for each major river basin there is no good reason why the TVA mode of developing and of operating water facilities cannot be universalized.

But the matching of TVA's contributions of greatly heightened awareness of the total regional situation among Federal resource field officers and the timing of land and mineral programs to the mutual advantage of all resources Federally controlled or influenced call for two permanent new centers of regional field coordination. The first of these is an extension of departmental structure to the field.

At this point two subordinate alternatives are possible. The simplest schematic plan would be to abolish in the Departments of the Interior and of Agriculture the present line-authority bureaus, and to create regional departmental administrators to take charge within their several areas of all the programs of all the resource bureaus having field operations. The traditional bureaus, under this arrangement, would retreat to a strictly staff status. The regional departmental administrator would then be fully responsible for planning, programming, budgeting, controlling and operating. Assuming the further functional rationalization of these two departments along the lines proposed by the Hoover Commission report, such a plan would present two major administrative structures for resource management in each region as against the single Valley Authority or as contrasted with the present eight separate bureaus in Interior plus the four principal action agencies in Agriculture.[11] The problem of mastering the federal programs in the region would be enormously simplified for there would be left, so far as field correlation is concerned, simply the correlation of the work of the two Departments. This alternative would retain Washington administrative controls in the hands of the two respective Secretaries, who, buttressed by their revamped headquarters functional staff offices, would set the national standards, perform the central research services, provide the inspectorates for performance, audit, etc., and keep the interregional resource issues in hand.

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[11] Of course one of the eight Interior agencies, Indian Affairs, would be transferred out of the resource Departments.

The regional departmental administrators would perforce require large field staff establishments to develop and operate their many programs. Special organizational devices and self-denying practices would be required to prevent the administrators from the typical absorption in the day-to-day problems at the expense of long range, integrated region-wide planning and programming functions which are so urgently needed.

This design, like that of the Valley Authority, should include as many vocational, consumer and state official advisory boards as may be useful in sensitizing the administrator of the Department to the impact of Federal programs on those vitally affected by them. Advisory participation in the administrative process was invented long before the Valley Authority, though its full and proper utilization has been very imperfectly practiced.

Attractive as is this alternative to the Authority plan, obstacles to its political and administrative feasibility seem tremendous. It would arouse on a nation-wide scale the opposition of every client interest of the extant operating bureaus in the two Departments. For this plan would have to be adopted simultaneously on a nation-wide basis and would call for drastic reconstruction of the whole current departmental scheme. The Valley Authority has the political feasibility that it can be created in one basin at a time, and thus shear off power from established bureaus piecemeal. Until it has blanketed a large part of the country it leaves existing bureaus functioning elsewhere as before.

To concentrate so much regional authority in a single departmental Administrator would also invite the demand that this job be made a political one, with a political Assistant Secretary to fill it. So to staff it would greatly endanger its administrative success. It is very probable, for example, that a regional Administrator for the Department of the Interior would be named by the President (or the National Party Committee Chairman) and that a region like the Pacific Northwest would be administered by a lame duck Governor, Senator or Congressman. (A similar danger undoubtedly exists for new Valley Authorities. The unique circumstances attending the birth of the TVA in 1933 are not likely to be repeated.)

The administrative difficulties in perfecting such a drastic reconstruction of operating machinery and practice would be great, though probably not insuperable. To pick apart and reassemble the functional divisions of the present (and transferred-in) bureaus of each of the Departments into effective and manageable regional operating entities, and to give them proper functional staff relationships with a reconstituted departmental galaxy of Washington functional program staff offices will be no easy task. Yet it may be assumed that in time it could be successfully accomplished. While the complexities of developing the appropriate adjustments of functional and line relationships for this monolithic operating department plan would be much greater than for even the largest existing bureau, the basic principles developed heretofore could probably be successfully applied after some cost in trial and error.

Assuming the successful replacement of the traditional bureau structure by this new area departmental operating agency, would the regional administrator be so connected with the client group pressures adhering to the water development-construction programs that he could respond adequately to the ofttimes complementary or conflicting interests of the land, mineral and (in regions like the Pacific Northwest) anadromous fish resources? A monolithic operating structure inhibits the presentation of internal conflict issues for secretarial readjustment. These will have been decided within the regional administration and will usually not rise to the surface for secretarial decision. If they are resolved in response to the major social forces which adhere to the regional departmental administration, the "minority" interests—land, fisheries and minerals—deprived of separate organizational status cannot so effectively pose issues for mediation and adjustment which run counter to the water development constellation.

These considerations make for a preference for the second alternative to give departmental unity of resource policy and program in the field, namely, the completion and perfection of the field integrating devices already taking shape for the two major resource departments.

Four years ago the Secretaries of Agriculture and of the Interior located in the Missouri and the Columbia River Basins their own departmental spokesmen.[12] Each secretarial representative is assisted by a committee of field officers of the several operating bureaus of their respective Departments. Roughly, their assignments have been to prepare long-term department-wide programs for the two regions, and in the process to bring into harmony and synchronization the regional programs of the several bureaus in each Department.

The Interior representative is clothed with less authority than his counterpart in the Department of Agriculture, and his status, which limits his program correlation function, is officially merely that of the chairman of a field committee composed of operating agency representatives.[13] Yet despite this fact and despite the inability of the Secretary of the Interior to swing his

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[12] Interior created six field committees—plus one for Alaska—in August, 1948, and named a secretarial representative as chairman for each. Information on which this discussion is based is drawn from the experience of the structure for the Pacific Northwest. Secretary Brannan has also recently selected a third regional representative to cover the Southwest, with headquarters at Salt Lake City.

[13] During the first two years of the oldest of these regional coordination efforts, that in the Pacific Northwest, the Secretary had no representative. It was the committee alone which was charged with coordinating responsibility, but it leaned heavily upon the suggestions and staff assistance of an Executive Director. The latter's position was highly anomalous because of his staff tie to the Secretary's Washington office and his subordinate status to the Field Committee as its employee. This situation was cleared late in 1948 when the Executive Director was appointed permanent chairman of the committee and as the Secretary's representative reported to Washington through the Departmental Program Committee Chairman.

Washington bureau headquarters people into hearty support of this field correlation program (especially before the presidential election of 1948) a significant beginning has been made. A number of minor successes in the way of intradepartmental interagency adjustment of conflicting programs have been achieved. A regional departmental six-year program has been drafted and approved and is now undergoing its second annual revision. In the fall of 1949 a department-wide budget for the region, drafted by the field committee under the chairman's guidance, was presented by Assistant Secretary Davidson to the Bureau of the Budget. True, it followed the review of the several bureau budget presentations and thus came too late to be most effective. Nevertheless it was an unprecedented event in the history of our traditional Federal departments. It is confidently expected that the second regional Department of the Interior budget, now undergoing preparation, will be heard both by the departmental budget-reviewing officials in Washington and by the Bureau of the Budget in advance of the separate bureau requests for field programs in the Pacific Northwest.

Before this effort at intradepartmental integration of plans and programs for resource management will fully succeed in its mission, there must be many changes in bureau structure and practice.[14] A more even delegation of field authority to the several regional bureau chiefs must take place, and the delegations must be broad enough to permit field decisions in making adjustments in plans and programs without constant resort to Washington. Since programs are fully crystallized in periods of budget preparation it is of special importance that the regional representatives of each bureau have genuine initiatory discretion and responsibility for field budget proposals. It is also of great importance that the required periods for budget estimating be synchronized among the several agencies so that they may be reviewed together, as to proposed major program additions or modifications, first by the departmental regional representatives and their field committees and then by the presidential field representative and staff, presently to be discussed. A second annual simultaneous field review will be essential because when Congress completes its appropriations and headquarters allocations have been changed to meet the reductions (or, rarely, the additions) made by the Congress, anticipated programs will have to be modified. Such changes may have important interagency repercussions, which will need adjustment.

The Hoover Commission recommendations for enhancing the Secretary's power over his operating bureaus, particularly by making the Secretary instead of a particular bureau legally responsible for programs, would greatly facilitate the above listed changes. This would be of special importance in the Department of the Interior which could then shed its "holding company" status and become a genuine agency for integrated management.[15]

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[14] In Interior bureaus have responded, albeit reluctantly, in a number of important instances during the past four years. The highly centralized and nonregionalized Bureau of Mines has at last regionalized and clothed its regional chiefs with real power. The Office of Indian Affairs has been moving in the same direction since late in 1946 and is making genuine headway toward a responsible, decentralized field structure. The Bureau of Land Management, through new leadership in Washington and in the field, has in the past two years rapidly pushed forward into an active decentralized land management organization. The Bureau of Reclamation burst the bonds of the Chief Engineer at Denver during the War, and it has continued to feed to the regional and district Engineers more and more power to plan and carry through their irrigation functions.

Experience also points to a few essential changes in the status and powers of the departmental regional representative. While there doubtless remain many problems of discovery and invention in the development of these new area coordinators for whole departments, we may set down a few essentials that must soon be forthcoming. Thus far, in both the Departments of the Interior and of Agriculture, the Secretary's representative has in no sense been "the boss." He has moved with great circumspection. He has been most meagerly staffed for purposes of bringing to him a free and full flow of information from the operating agencies and for watching the "follow through" on agreed activities. The system of reporting, save for the Missouri Basin Interior office at Billings, is almost undeveloped. To provide an accurate, prompt, and frequent appraisal of program progress from every operating agency is indispensable to any correlation function. It takes not only agency willingness to do this but staff facilities both for it and for the secretarial representative, together with well designed reporting techniques. The secretarial representative needs specific authority to work this out, together with funds for the agencies and his office to make it work.

It is no disparagement of Interior's regional programming and budgeting in the Pacific Northwest noted above to observe that the Chairman, as the Secretary's representative, has been in no position to exercise effective criticism in reviewing the program and budgetary proposals of the several agencies. When a clash between two or more agencies arises, he has been able to suggest compromises and adjustments. But on program budget estimates he has had no authority to question items and inadequate means of knowing when to offer either constructive or negative criticism. Undoubtedly the wide acquaintance of the Secretary's representative with the programs of all the Federal resource agencies in the region, his extraordinary knowledge of the region, and his persuasive competence have influenced the content of the regional program in ways difficult to measure. But something more is certainly needed. The least that should be given him is technical staff qualified to aid in furnishing effective criticism.

It is also clear that where conflicts of agency programs exist or impend, the factual studies and field surveys essential to their resolution and to the building of a really comprehensive departmental plan either for a sub-basin or for the region should be launched on a departmental basis. The conflict on the Rogue River basin makes this clear. There the Bureau of Reclamation was arrayed on certain features against the Fish and Wild Life Service, the National Park Service, and, in a minor respect, the Bureau of Land Management. The factual studies essential to coping with the issues were undertaken separately by the several agencies without any advance comprehensive plan for the studies and without agreement of the factual areas to be explored. Data collection has dragged unevenly for several years because funds have been deficient in some agencies and adequate in others. The Secretary's regional representative should be clothed with responsibility and funds to see that the surveys and studies are so mapped and prosecuted as to afford a completed factual analysis free of significant omissions, ample in coverage, authentic in quality, and finished on schedule.

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[15] Reorganization Plans Numbers 3 and 4, submitted to Congress on March 13, 1950, incorporate the Hoover Commission policy for giving the Secretaries of the Interior and Agriculture responsibility for all programs, with minor exceptions, in their respective departments. The Congress permitted the Interior plan to become law, but the Senate vetoed the plan for Agriculture. It can only be a matter of time before the latter Department will be accorded the same treatment as Interior.

Ample facts will not always melt the obstacles to agreement. This too the Rogue River basin study clearly illustrates. But they are indispensable to the quest for adjustments and compromises that afford the greatest total utility to a multiple purpose river development program. Here again, Interior's experience might argue that the Secretary's representative, the Chairman of the Field Committee, should be expected and even required to break the deadlock of bureau intransigence by recommending to the Secretary the resolution of those aspects of a program which could not win full agency consensus.

VIII. REGIONAL REPRESENTATIVES OF THE PRESIDENT

This alternative to a Valley Authority will still be incomplete until the whole Federal resource interest in each region is given a focus higher than departmental management affords. There is only one executive center which can give this focus and that is the office of the President. Just as it has been necessary to find staff facilities within his immediate office to help him manage the executive departments at Washington so will it be an essential for regional integration of Federal plans and activities that some of his staff facilities be appropriately amplified on a regional basis.

The River Basin Committees, now operating in the Missouri and Columbia Valley Regions, clearly do not meet this requirement. Stemming as they do from the central Federal Inter-Agency River Basin Committee (a voluntary interdepartmental committee) they, like their parent, have been impotent to resolve interdepartmental jurisdictional disputes, or to build truly comprehensive, balanced regional plans. They have performed chiefly informational services and have been of some value in formulating a few technical recommendations. Their rotating chairmen give their respective departments the edge on publicity during their brief tenure of office.[16] During the past two years the Columbia Basin Inter-Agency Committee has widened the range of its interest to give initial attention to watershed problems. But the relative impotence of this body was clearly signalized by the manner in which it was ignored when the great 1948 flood was bringing disaster to people in the Columbia Valley. The job of Federal disaster assistance, reconstruction and planning was thrown to the Federal Works Agency, the Corps of Engineers, the Department of the Interior and the Housing and Home Finance Agency. The departmental representative of Agriculture participated in minor ways during the flood and in the collection of data on the damages as the waters receded.

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[16] See also Henry Hart's evaluation of the Missouri River Basin Committee in *Public Administration Review*, Vol. 8, pp. 1–11 (Winter, 1948).

A field service unit at Washington in the Executive Office of the President will be required as the central focus for a group of regional presidential representatives whose assignment should provide the capstone for correlating in each region the total Federal interest in resource administration. It would be the job of the presidential field officers to bring into proper adjustment the plans and programs for water, land, mineral and energy resources of all the Federal departments and agencies, and to assist the departmental field representatives in articulating Federal with state and local policies. The latter task is inescapable if resource problems are to be met, because so much of the legal jurisdiction over all natural resources lies in state hands.

There are of course no blueprints for such a new area management job, for reconciling it with departmental and agency operating functions, or for enlisting the participating cooperation of the state. But the need is urgent. Administrative invention will have to write a new set of job descriptions, relationships and procedures to distinguish this new level of area coordination from those with which we are familiar in the well-managed operating agency. But they will probably resemble, albeit on a distinctly interdepartmental basis, the arrangements now taking shape for the departmental field representatives. The success of the latter experiment will greatly smooth the way toward gearing into proper mesh the total Federal resource responsibility. It is at this point that the water and all the land and mineral resource functions must be made to complement one another, wherever a genuine interdependence exists. The basic tools for so doing exist in the planning and capital budgeting processes and in the occasional plugging of a gap in a research need when essential missing data must be found for which no agency or department has responsibility. The administrative devices needed will also probably parallel those now developing for the Departments of Agriculture and the Interior. A Federal interdepartmental field committee and subcommittees, a small but broad-gauged staff to share in technical leadership in planning and budgeting, liaison arrangements with the department field units and the appropriate state agencies (with representation of the latter where state and Federal interests join)—all these kinds of administrative mechanisms will be essential. The limits of their activity will have to be discovered in the process of working through the problems to be met.[17]

[17] Some of these complexities might be avoided under a more revolutionary revision of the departmental system than has been suggested in any of the official reorganizations thus far proposed. Were the national executive departments regrouped into a handful of super-

If this kind of alternative seems complex when compared with the apparent simplicity of the Valley Authority, it may be answered (1) that complexity will soon displace simplicity when Valley Authorities are multiplied and (2) only by some such mode of extending the logic of our traditional Federal structure is it possible to assure executive responsibility. The resource tasks are many and the relationships are complex. When we face them squarely in every part of the country we shall learn to complete the minimum structure of organization, field and center, which responsible administrative mastery requires.

WATER RESOURCES AND AMERICAN FEDERALISM

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Few functions of the American Federal system seem less suited physically to state boundaries than the management of our water resources. The reason is readily apparent. Water flows according to drainage districts and not the river-bounded or rectilinear areas of the American states. Nevertheless, it takes more than topography to delineate the states or provinces of a nation; there are historical and constitutional factors to consider. Once provincial areas are established as states under a national constitution, and, such functions as water supply are assigned to these states, it is not only difficult but it may also be disruptive to withdraw such a function from them, even though physical facts and technological changes cry for this solution.

Yet, the water-control function, in American history, seems to have evoked repeated demands, not readily conceded, for wider and wider areas of governmental regulation. In 1889, when the techniques of water transmission had not

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departmental units, similar to that modelled for Defense, the whole range of resource functions now scattered in three departments might be combined into another super-cabinet unit—perhaps called by some such title as Agriculture and Natural Resources. As in the case of the military model, such a department would need three or four sub-departments charged with management of clusters of operating bureaus or Services. (Dean Samuel T. Dana, of the Hoover Commission Task Force on Natural Resources, was in favor of uniting Agriculture and Interior under a new title of "Department of Conservation.") This idea has some resemblance to the Departments of Conservation adopted in a number of states for unifying resource work, but the states have not usually included the agricultural duties, which remain with the land grant colleges and the state Departments of Agriculture.

Were a new design adopted, embodying the larger aggregation notion suggested above, it might be justified on the ground that it would reduce the "span of control" strain upon the President and his management staff. It would, however, raise questions of presidential control because of the increased political power centering around such huge departments. Certainly the use of such a principle should be applied throughout the whole executive establishment, if it is applied at all, or difficult "imbalances" would result to the detriment of presidential influence. Unless and until a plan is adopted which would subsume all the Federal resource functions under a single great department, we shall have to rely upon a field representative from the President's office for bringing all resource programs into proper focus within the several regions.

yet assumed present day interstate proportions, Major John Wesley Power, director of the newly-established United States Geological Survey, urged the Montana Constitutional Convention to organize the new state's counties on the basis of the existing drainage areas, because, Major Powell argued, water was the basic resource of the state, and its flow should determine "the organization of your body politic."[1] Now, in 1950, we are being similarly urged to superimpose upon our existing state lines, Valley Authorities or interstate commissions or Federal-state agencies or Federal interdepartmental committees; and we are again being warned to select larger or more natural areas for water resource management because, we are told by Major General Lewis Pick, Chief of the United States Corps of Engineers, "water is the only limit to our progress."[2]

Such attempts to deal with water on any scale which transcends the parish pump have met with the most astonishing forces of resistance both in the United States and elsewhere. This is so in spite of the fact that there are numerous historic examples where the very essence of a civilization has been national dominance over parochial and provincial interests in the management of water resources, particularly for irrigation purposes. We have but to mention Ancient Egypt, Babylonia, Assyria, China and the Andean societies of Inca and pre-Inca days.[3] It is well to point out, however, that in the solution of the water problem in modern societies, relevant experience or rational analysis of this kind has not played the highest role.

It is interesting, for example, that one of the most consistent, if not always correct, critics of localism or provincialism in water resource management has been the angler, the leisurely fellow who fishes in the waters largely for pleasure. In 1653, Izaak Walton complained in his *Compleat Angler* that in spite of many "wise statutes," the fish were being destroyed by "greedy fishermen," for which state of affairs the local "conservators of the waters should be ashamed."[4] In 1946, the Executive Secretary of the Izaak Walton League of America, equally incensed at state water officials and their related "selfish interests," repudiated the entire "States' Rights" movement in the United States as a mere cloak for perpetuating "States' Wrongs."[5]

This question of states' wrongs as well as states' rights, as illustrated in the field of water resource management, is part of three crucial problems of intergovernmental relationships dealt with in this series: (1) the problem of executive-legislative relationships and conflicts under our congressional and presidential system; (2) the problem of relating public management and private enterprise; and (3) the problem of state, interstate, and Federal-state relationships, that is the problem of Federalism. It is the third of these problems that is analyzed below.

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[1] Herbert M. Peet, "The Cooperative Approach to Basin Development," Address to the Northwest Scientific Association at Spokane, Washington, December 28, 1949.

[2] Address to the Red River Valley Association, at Shreveport, Louisiana, April 11, 1950.

[3] Consult the following: William P. Mason, *Water-supply* (New York, 1909); Michael Rostovtzeff, *A Large Estate in Egypt in the Third Century, B.C.* (Madison, 1922); Louis Joseph Delaporte, *Mesopotamia; The Babylonian and Assyrian Civilization* (New York, 1925); M. Aurel Stein, *Ruins of Desert Cathay* (London, 1912); Clement Markham, *The Incas of Peru* (New York, 1910).

[4] Part I, Third Day.

[5] Kenneth A. Reid, "States' Wrongs," *Outdoors*, p. 13 (July, 1946).

I. CANALS, NAVIGATION AND FLOOD CONTROL

The first large-scale water enterprise of the American states, namely the state-managed canal system, ended in a dismal failure. With some success, New York, as early as 1817, began to plan, promote, construct, and later to operate the Erie Canal. But Pennsylvania feared that New York would draw off the entire western trade, and soon she and other neighboring states began the competitive construction of canals. The state banks which flourished in this period were founded partly as a means of financing these state canals, as well as the state roads and railroads of the "public improvement" era. Poor canal planning and extravagent canal management, together with the growing competition of the more effective type of transportation offered by the railroads, led to the failure of the state canal enterprises. Indeed, the disastrous panic of 1837 was caused in part by the canal mania, and many states had to repudiate their debts and to sell their canal properties to private concerns. To this day, our state constitutional prohibitions against pledging the public credit are the mute reminders of this first great failure of water management on the part of the American states.[6]

During all of this adversity, the Federal government, in spite of the conflict with the states over the National Bank, demonstrated some willingness to help the states succeed in their undertakings. Federal subsidies, largely in the form of grants of land, were given to the states in 1824 to aid in canal construction as well as river improvements,[7] although in 1825 Congress refused to approve elaborate plans, prepared by a Federal Board of Engineers and supported by President Monroe, to improve the Missouri and Ohio Rivers and to facilitate the emerging canal system.[8] However, taking the whole period in which the states were active in this field, the Federal government spent about half as much as the states themselves did for canal construction.[9] Whether more Federal planning and subsidy originally, or more Federal supervision subsequently, could possibly have made a success of the state canals is a question for further study by economic historians. In anticipating their findings, we might recall first that this was a period of American history when we had less fear than we have today of the idea of public enterprise,[10] and secondly that we have not yet done with the belief, now that our railroads seem to have passed their maximum efficiency, that a canal and waterway network would be economically a wise supplementary, if not superior, form of transport for heavy and slow freight.[11]

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[6] Reginald C. McGrane, *Foreign Bondholders and American State Debts* (New York, 1935), p. 6; Harold U. Faulkner, *American Economic History* (New York, 1924), pp. 340–342.

[7] Commission on Organization of the Executive Branch of the Government, *Task Force Report on Public Works* (Washington, 1949), p. 32.

[8] *House of Representatives Document* No. 83, 18th Cong., 2d Sess. (1825); see also note 10 below.

[9] Clifford J. Hynning, *State Conservation of Resources* (Washington, National Resources Committee, 1939), p. 47.

Our other waterway developments, outside of the canal field, have shown more results under a system of Federal rather than state management. With only the interstate commerce clause of the Constitution to go on, Chief Justice Marshall, speaking for the United States Supreme Court, decided in 1824 that Congress, rather than the states, would regulate our navigable waterways as highways of interstate commerce,[12] just as a century later the commerce clause was interpreted to cover Federal control of non-navigable waters.[13] It is seldom realized, however, that the Supreme Court's "conspiracy" against the states was accomplished without really destroying a measure of concurrent state powers in waterway matters. Even the Council of State Governments, which opposes federalization, reported to the Hoover Commission after a recent study of the whole body of court decisions on this subject: "In several important ways [the Supreme Court] has fostered States' rights [and] allowed a noticeable extension of the state police and tax powers over interstate commerce, . . . with the result that the State and Federal jurisdictions interpenetrate each other with a flexibility and freedom unknown since the first days of the Republic."[14]

The Federal government's desire to preserve the states' role in waterway matters, along with its own overriding concern for the general subject of rivers and harbors, was expressed as early as 1790, when Congress assented to state levies on interstate tonnage for the purpose of preserving and protecting rivers and harbors.[15] The states themselves have continued to protect their own local interests, sometimes with Federal assistance, in spite of the march of Federal encroachment. This is especially true in port and harbor development, where municipal or state failure to maintain facilities would, of course, be disastrous to local trade. The New York City docks are one case in point, but there are numerous other illustrations. The State of Alabama, for example, operates an extensive system of docks and terminals at the port of Mobile, including associated enterprises such as warehouses, cold storage and sacking plants, and branch offices in Chicago and New York, and conducts its work under an effective system of public management.[16]

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[10] Although President John Quincy Adams' plan for a national system of public improvements was defeated, it represented a wide-spread line of thought in its day. See below, Sec. VII, note 83.

[11] A. C. Monohan, "Canals Retain Importance," *Science Newsletter*, Vol. 53, pp. 90–91 (February 7, 1948); "The Last Link," *Time*, Vol. 53, p. 80 (June 27, 1949); "Canal Project Charted," *Business Week*, p. 47 (March 16, 1946); "Transportation by Water Has Been Extended and Made Faster," *Building America*, Vol. 13, p. 10 (November, 1948.)

[12] *Gibbons v. Ogden*, 9 Wheat. 1 (1824).

[13] See the New River Case discussed below, Sec. VII.

[14] *Federal-State Relations, Senate Document* No. 81, 81st Cong., 1st Sess., p. 24 (March 25, 1949).

[15] See note 7 above.

On the whole, however, states have more often missed than they have grasped their opportunities, especially where a particular water channel had interstate complications. One state established "a River Navigation Commission" in 1932 to "aid" the Federal government in the construction and maintenance of its segment of an interstate river, but the full quota of commissioners were never appointed, apparently no meetings of the commission were ever held, and its functions were finally transferred entirely to a new state agency which promptly forgot about the whole matter.[17] Ordinarily state waterway agencies fulfill their functions more carefully than this, but once the subject-matter of waterway management crosses the state boundary, state accomplishment tends to lag.

In controlling floods, states and their localities have naturally demonstrated an early and continual concern. Fact and folklore about American life along the levee testify to this fact. Here too, however, it soon became apparent that since flood waters came from upstream states, individual states would be helpless. There are, as a result, few examples of comprehensive state flood control systems in the United States. One such case is the Muskingum Watershed Conservancy District, developed in Ohio after the disastrous floods of the 1930's under the leadership of Arthur E. Morgan, later the first chairman of the Tennessee Valley Authority—not without the assistance, however, of the United States Army Corps of Engineers and the Federal Emergency Relief Administration.[18]

Our Federal flood control system, as the first two articles in this series have demonstrated, is not without serious faults, political as well as technical. Whether Federal pork-barrelling is superior to state inaction is a difficult question to answer. No doubt, it was physically as well as politically inevitable that the central and not the state governments should dominate this function. But persistence of the states' rights idea in the United States has tended, and probably will continue, to reinsert the state governments into this field of activity which has clearly become Federal. For example, the Flood Control Act of 1936 provided for state participation in Federal waterway projects; in 1938, the Federal law was amended so as to discontinue state participation in this field; but finally the Rivers and Harbors Act, as amended in 1944 and in subsequent years, required the Corps of Engineers to conduct all of its flood control and water surveys in cooperation with the governor of the affected state or his designated representative.[19] In a large number of states, this system of official liaison has helped state water authorities focus upon their interests in, if not their responsibility for, rivers and harbors and flood control.[20] Whether this type of joint Federal-state activity is going to be beneficial or significant or essential is something the states themselves will have to demonstrate. As a minimum, it seems merely to accomplish the amenities of an advisory or an information system between state and nation.

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[16] Albert Lepawsky, *State Planning and Economic Development in the South* (Washington, 1949), pp. 76, 77.

[17] *Ibid.*, p. 77.

[18] See Frank L. Raschig, "The Ohio," *State Government*, Vol. 19, pp. 230, 231, 238 (September, 1946).

[19] Lepawsky, *op. cit.*, p. 42; Lynton K. Caldwell, "Interstate Cooperation in River Basin Development," *Iowa Law Review*, Vol. 32, p. 237 (January, 1947).

II. IRRIGATION, DRAINAGE AND RURAL WATER CONTROL

Early in our history, the basis was laid for Federal absorption of a much wider range of powers in the management of land and water than was expected in the light of colonial and constitutional conceptions of American Federalism. This resulted not so much from any conscious drive toward Federal water management as it did from the simple historic fact that the Federal government became the great landlord of the whole American continent, partly through the early western land grants of the original states, and partly by purchase, diplomacy and conquest. In spite of all the alienation of our public lands, the Federal government today owns more than 23 per cent of land in the United States, or 54 per cent of the eleven so-called western land-grant states.[21] This control over the land and its waters, and specifically over the functions of irrigation and power, gives the Federal government what is perhaps the key to the future of that part of the country which is slowly attracting our increasing population.

The first settlers handled their own irrigation problems, and, as in the case of the Mormons in Utah, in an enterprising and phenomenal way. But the prohibitive cost of constructing the huge public works required for all of western irrigation called for the tapping of the vast financial resources of the East and delivered the irrigation function into the hands of the Federal government —again not without some Federal concern for the sentiments of the state authorities. In 1866, Congress began to recognize Federal responsibility for facilitating local and state action by providing for rights of way for ditches and canals over federally-owned public lands.[22] In 1894, in the Carey Act, Congress further attempted to stimulate state and private enterprise in constructing irrigation works, by offering public lands under favorable terms.[23] But the costs were still prohibitive and there were no takers. By the Reclamation Act of 1902, the facts of life about western irrigation were finally recognized, and Congress authorized an outright Federal irrigation system, practically excluding the states from this field.[24]

Nevertheless the states still retained a voice in planning the projects and above all in the determination of water usage. The water law of our western states with respect to such doctrines as riparian rights, reasonable use, or prior appropriation, has developed in a unique and manageable way, though sometimes complicated within individual states and varying from state to state.[25] State water officials and lawyers have been among our ablest western administrators from frontier days forward.[26] However, financial resources and engineering skill were national, not sectional, in scope. As a consequence, irrigation has remained largely a Federal function, the states having assumed the position of legal trustees for the enforcement of private water rights, while their congressional representatives have taken on the function of political watchdog and log-roller in the name of their localities.

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[20] Lepawsky, *op. cit.*, pp. 38–42.

[21] See the Annual Reports of the Department of Interior.

[22] 14 Stat. 253 (1866).

[23] Carey Act of 1894, 28 Stat. 422 (1894); 43 U.S.C. 641 (1940).

[24] 32 Stat. 388 (1902); 43 U.S.C. 372 (1940). See also Caldwell, *op. cit.*, p. 235.

Before our irrigation era and from the very start of our land-clearing process, water drainage was the major problem. Drainage was and remains largely a locally-administered function. Much of the drained land was in the Mississippi valley states,[27] where local drainage districts, which still persist in the governmental structure of these states, developed a form of administration that has not varied much from the frontier conditions which produced it. Supplementing these rural vestiges, there have grown up within the state governments water agencies, frequently in state departments of agriculture, which have accepted Federal aid in making surveys and conducting demonstration projects.[28] The trend later became one of retaining as well as of draining waters, and several states, again with occasional Federal assistance, became serious devotees of farm pond programs.[29]

Where there are ponds, there must be fish, by verdict of our aggressive American anglers. And so our earliest and most serious state conservation agencies were the fish and game commissions. For possibly more commercial reasons, New Hampshire, as early as 1864, appointed a fish commission to help save the salmon population of New England.[30] The idea spread so fast that, by the end of the 19th century, all but seven states had fish agencies hard at work to keep the waters healthy for the piscatorial life of the nation.[31] Our historians have not yet told us whether the tentacles of the Federal octopus were active at this time, but it would not be surprising in view of the intensive fish and game activities of the Fish and Wild Life Service today.[32]

As contrasted with the slower system of state water pollution control in honor of human forms of animal life today, the states did not neglect their function of preserving fish life. Indeed they have done such a remarkable job that, in spite of the fact that pollution has in many places driven out the trout and other game fish in favor of the sluggish carp and catfish, there are many lakes and ponds that are overpopulated. We have it on the good authority of a genuine conservationist, the American author Louis Bromfield,[33] that the overbreeding but undernourishment of our fish population has actually been the result of too much fish-stocking and related piscatory welfare services without any parallel spawn-control advice.

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[25] Wells A. Hutchins, *Selected Problems in the Law of Water Rights in the West* (Washington, 1942); U. S. Department of Agriculture, *State Legislation for Better Land Use* (Washington, 1941).

[26] Julius M. Friedrich, "The Settlement of Disputes Between States Concerning Rights to the Waters of Interstate Streams," *Iowa Law Review*, Vol. 32, p. 282 (January, 1947).

[27] Hynning, *op. cit.*, p. 58.

[28] National Resources Committee, *Water Planning* (Washington, February, 1938); Mississippi Board of Development and U. S. Department of Agriculture, *Summary Report of Organized Drainage Districts in Mississippi* (Washington, April, 1941); Research, Planning and Development Board, *Ground-Water Investigation in South Carolina* (Bulletin No. 15, 1946).

[29] See for example, the case of Oklahoma, in Oklahoma Planning and Resources Board, *Oklahoma Water* (1945).

[30] See below, Sec. VI.

[31] Hynning, *op. cit.*, p. 56.

[32] U. S. Department of Interior, *Annual Report; Fish and Wild Life Service* (Washington, 1949), p. 253.

Moreover, we have yet to find such elaborate water projects as that of the Florida State Improvement Commission in its dealing with the problem of hyacinth control for the purpose of preserving the duck feeding grounds and the environment of other forms of marine life.[34] It must be admitted, however, that this agency has also seen to the more human forms of pleasure, such as bathing. In collaboration with the United States Corps of Engineers, it is seriously at work on the problem of beach erosion.[35] To cite such individual cases is not to deny the wider public efforts of some state and several Federal agencies. Here can be mentioned the highly successful Tennessee Valley Authority program, carried out jointly with state health and water agencies, in eliminating malaria.[36]

Our farmers and rural settlers did not originally expect much help from the state and local subdivisions on the subject of their wells and water supplies, but rising public health standards have led state health and water authorities to render more and more advisory and inspection services in these fields. Still, the United States Public Health Service reported that in 1947, 27 million rural people needed either new or improved water supplies.[37]

III. URBAN WATER SUPPLY

Our urban water supply is also revealing serious strains under the present system. Dwindling ground waters are causing water shortages throughout the country, and we are beginning to realize that although water is indestructible, its proper distribution may be seriously hampered by man and his methods.[38]

New York's problem is one of long standing, but it is not untypical.[39] After the horrible cholera epidemic of 1832, the city decided to tap the Croton River, 28 miles away, but everything was delayed until the state authorities duplicated the city's surveys. After the famous 36-inch cast-iron main was authorized the city had to return to the state legislature time and again for permission to borrow money to continue the work. Finally, in 1842, water from the Croton flowed into the 42nd Street reservoir, an event that was marked by the biggest parade the city had ever seen, with battalions of Temperance Society members, who, like the Izaak Walton Leaguers today, had fought the fight for good waters —state or municipal delays to the contrary notwithstanding.

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[33] Louis Bromfield, "Poor Land, Poor Hunting," *Atlantic Monthly*, Vol. 185, p. 63 (April, 1950).

[34] Florida State Improvement Commission, *Organization and Administration* (1945–1946).

[35] *Ibid.*, p. 6.

[36] *Nation-Wide Inventory of Sanitation Needs*, Supplement No. 204 of the *Public Health Reports*, p. 5 (April, 1948).

[37] *Ibid.*, p. 3.

[38] *Ibid.*, p. 5; Oscar L. Chapman, "Will There Be Enough Water for You?" *American Magazine*, Vol. 149, pp. 24, 25 (February, 1950).

[39] A Reporter at Large, "The Gathered Waters," *New Yorker*, Vol. 25, pp. 24–37 (December 31, 1949); consult also the daily reports in the *New York Times*.

New York City's water shortage today contains as much drama and perhaps more of a lesson in intergovernmental relationships. The observer notes the daily front-page bulletins showing net gains and losses of precious water in city reservoirs; periodic prayers for rain offered at St. Patrick's Cathedral; fantastic solutions suggested by panicky citizens; bathless Fridays; official announcements that beards will be considered municipal "badges of honor"; official New York City rain-makers who drive around in the Catskill reservoir area, their trailers emitting the magical silver iodide smoke to squeeze water out of reluctant clouds; complaints from sufficiently water-supplied suburbs that the city is thus causing unnecessary snow-storms.

But brewing behind all this is municipal misunderstanding with higher authorities. Governor Dewey of New York accuses the city of gross neglect of its water problem and he makes engineering suggestions technically beyond the competence of his state engineers. As a matter of fact, New York City has some of the country's outstanding water engineers among its 2,400 water employees, one-tenth of whom are stationed in the watersheds upstate. The 48 states taken together could probably not muster a more numerous nor a more able personnel. Toward the end of 1949, New York state officials began to confer more peaceably with the city, but the Federal government's participation has been limited to an anonymous announcement from a Washington official that he hoped New Yorkers would now realize that water does not grow in faucets. Extra-municipal advice is more seriously needed if the nation's metropolis is not to go in the direction of Ancient Babylon or the Incas' Cuzco. It is doubtful whether New York's problem can be solved without greater aid from the state, more assistance from surrounding states, and possibly also Federal intervention.

The Los Angeles problem is already recognized to be interstate and Federal in scope.[40] This city and its surrounding suburbs now take their water from the Colorado River, 350 miles away, after long-standing feuds with Nevada and other southwestern states. Therefore, it should not seem shocking to hear the suggestion that the new source of supply should be the Columbia River, over 800 miles to the north. If some such solution is adopted, it may also relieve the serious water shortage, if it is not too late to do so, in some of the other congested areas of new migration in California where we may now be sowing a new crop of Grapes of Wrath. It is paradoxical, but possibly true, that if we want to preserve our metropolitan cities, or even our pattern of population redistribution, we may have to leap-frog our states, and reconsider the real meaning of American federalism in order to improve the simplest of our community services such as water.

[40] See Samuel B. Morris, "The Water Problem of Los Angeles," Department of Water and Power, City of Los Angeles, p. 8 (May, 1948); also the daily press reports.

The states do seem to have developed a respectable body of law and administrative experts to supervise and inspect the construction and maintenance of municipal water systems, and these services of our state sanitary engineers and public health officials seem to be steadily expanding.[41] But the actual financing and construction of the physical plant required for these purposes seems to be lagging. The United States Public Health Service estimated that in 1947 over two and a half million people in 5,700 communities lack and need waterworks, while 79 million people in 15,000 communities need waterworks extensions or improvements. The estimated total cost involved is two and one-fourth billion dollars.[42] Part of this may represent a war-time backlog, but it was estimated as late as 1949 that waterworks contracts were, on a physical volume basis, still only 61 per cent of the highest prewar years.[43]

Federal financial assistance, largely through the Public Works Administration in the '30's and the Federal advance planning grants in the '40's, has been one of the principal sources of extra-municipal aid for this purpose. Beyond that are the survey and advisory services offered by the United States Geological Survey. It is not clear whether the Federal government should offer more of this aid to the localities, without giving the states more of a chance to demonstrate their co-partnership in federalism on so traditional a "local function." Meanwhile the journal of the civil engineering profession, *Engineering News-Record*, which is quite unsympathetic to further Federal power and authority, has had to conclude, after reviewing the municipal water supply situation in 1950: "The health needs of the country are not being met in too encouraging a manner."[44]

IV. INDUSTRIAL WASTE DISPOSAL, SEWAGE CONTROL, AND WATER POLLUTION

Pollution, resulting mainly from the dumping of untreated industrial wastes, is rapidly becoming a most serious problem. The magazine titles are alarming: "Polluted Water—National Disgrace," "Running Sores on Our Land," "Does Death Lurk in your Drinking Glass?"[45] In the Tennessee Valley, one T.V.A. chairman opined that the polluted Tennessee was too thin to plow and too thick to swim in, while his successor announced that "to attack the threat of stream pollution is the next big job."[46] The state of Tennessee is beginning to respond to this type of leadership,[47] as are states like Pennsylvania, Ohio, Wisconsin, Michigan and Illinois.[48] But again, financial resources and legal powers are limited, and the will to act is frequently dampened by the unwillingness or irresponsibility of neighboring states to do their share of the job.[49]

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[41] United States Public Health Service, *Variations in State Public Health Programs* (1948).

[42] *Nation-Wide Inventory of Sanitation Needs, op. cit.*, p. 3.

[43] "Water Supply and Sanitation," *Engineering News-Record*, Vol. 144, p. 119 (March 23, 1950).

[44] *Idem.*

[45] J. L. Kent in *Life and Health* (September, 1949); Bill Wolf in *Sports Afield* (September, 1948–March, 1949); R. M. Winters in *American Life* (January 25, 1950).

[46] *Chattanooga Times*, January 25, 1950.

[47] See the reports of the Tennessee Stream Pollution Study Board and of the Tennessee State Planning Commission.

[48] See also the reports of the Michigan Stream Control Commission; consult Public Administration Clearing House, *News Bulletin* (February 15, 1950).

More state and local initiative might solve the pollution problem, as it did the scandalous sewage problem at the turn of the century. Since 1900, the number of persons served by sewage disposal systems increased from 25 to 70 million, and the number of treatment plants from 50 to 5,500.[50] Whether the record reduction during this period in our typhoid rate can be maintained[51] depends in part upon newer forays into the field of pollution control. The "deplorable conditions" arising from pollution were examined in the '30's by Professor Thorndike Saville, Dean of the College of Engineering of New York University. He found that a major cause was the prevailing body of state law and its administration. In 1938, he estimated there were only eight states with "adequate and comprehensive legislation," and that "political pressure from municipalities or industry is sufficiently potent to prevent strong action," a difficulty which was intensified by the lack of civil service status and tenure on the part of state water officials, except in some 15 states.[52]

The situation has improved in the last 10 or 15 years. The number of states with comprehensive pollution laws increased to 15 in 1939,[53] and to 21 in 1949.[54] But, the United States Public Health Service has warned: "The efficacy of a particular program depends on many extra-legal elements such as administrative personnel, size of appropriation, and public understanding."[55] In other words, the laws have been strengthened, but there is still a lag in the machinery of enforcement.

Federal action as an alternative has developed slowly. Although the National Resources Committee recommended in the late '30's that there should be an extension of Federal interest and participation in local and regional pollution control measures, it did not favor "basic changes in Federal law."[56] At the same time, Professor Saville, apparently reflecting the general views of the nation's engineers, opposed Federal regulation because of its impracticability, citing the defiance of the Chicago Sanitary District in spite of repeated Federal court orders against pollution of the Great Lakes.[57] Yet, Chicago did comply after Federal grants-in-aid were made available to it for pollution control.

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[49] For a typical case of the effect on industrial location, see Lepawsky, *op. cit.*, p. 40.

[50] *Nation-Wide Inventory of Sanitation Needs, op. cit.*, p. 2; also, *Engineering News-Record*, Vol. 137, pp. 112, 113 (November 14, 1946).

[51] National Resources Committee, *Water Pollution in the United States* (Washington, 1939), p. 35.

[52] Thorndike Saville, "Control of Interstate Water Pollution," *Journal of the Boston Society of Civil Engineers*, Vol. 25, pp. 293 ff. (April, 1938); see also his "Administrative Control of Water Pollution," *Transactions of the American Institute of Civil Engineers* (1931); Abel Wolman, "State and Other Functions in the Control and Abatement of Water Pollution in the United States," *Modern Sewage Disposal*, Anniversary Book of the Federation of Sewage Works Associations (New York, 1938), Ch. 25.

[53] National Resources Committee, *Water Pollution in the United States, op. cit.*, pp. 70, 71.

[54] United States Public Health Service, *State Water Pollution Control Legislation*, p. 1 (February 17, 1949).

[55] *Idem.*

[56] National Resources Committee, Special Advisory Committee on Water Pollution, *Report on Water Pollution* (Washington, 1936), pp. 63–65.

The Federal grant-in-aid as a solution for the pollution problem has been proposed in every session of Congress beginning with the Barkley-Vinson Bill of 1937, which had to be vetoed by President Roosevelt because of technical defects.[58] Indeed, there has been some sort of a water bill in all but six Congresses since 1897, and over the past 50 years the number of water pollution bills has totalled 100.[59] Finally, in 1948, the Taft-Barkley bill, representing a "safe approach" toward the problem of states' rights, was enacted.[60]

Under this act, there has been established in the United States Public Health Service a Division of Water Pollution Control, later transferred, significantly enough, to a Bureau of State Services. The division has set out to provide technical assistance to the states, to conduct research and arrive at standards for measuring water pollution, and to issue public reports.[61] The division has set up a decentralized Federal organization of 10 regional survey offices covering 300 river basins, mostly interstate. Grants-in-aid to states, municipalities and interstate agencies were authorized to the extent of $27,800,000 per year for a five-year period. But only about $2,200,000 has been appropriated for 1949–50, thanks to the combination of a stringent budget and continued political pressure against Federal control or grants-in-aid for a national water pollution program.

A key provision of the Water Pollution Control Act as related to the problem of Federalism is the compromise over enforcement. While the "pollution of interstate waters" is "declared to be a public nuisance," the Surgeon General (or in some cases, his superior, the Federal Security Administrator) is merely empowered: (1) to give formal notification to the violator and to advise the state or interstate water pollution agency accordingly; (2) to repeat this a second time in case pollution continues, and this time the advice to the state agency may be accompanied by a recommendation that it initiate a suit to abate; (3) to call a public hearing before a specially-appointed board, at least one member of which shall be a representative of the state agency concerned; (4) to request the Attorney-General if abatement is not secured by any of these means, to bring suit in behalf of the United States, but only with the consent of the state agency.[62] The preamble recognizes that the Act's purpose is "to reorganize, preserve and protect the primary responsibilities and rights of the states in controlling water pollution." However, the ultimate success of the evolving federal policy is likely to depend upon the extent to which such responsibilities and rights are effectively shared by the Federal government in accordance with a truly dynamic conception of federalism and not a regressive conception of states' rights.

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[57] Saville, *op. cit.*, pp. 297 ff.

[58] *Congressional Record,* Vol. 84, Part 5, 76th Cong., 1st Sess., p. 4852 (April 24, 1939–May 18, 1939).

[59] Charles E. Schwob, "The National Water Pollution Program," address to annual meeting of the American Fisheries Society, at Winnipeg, Canada, September, 1949.

[60] *Idem.* [61] *Idem.*

[62] Public Law 845, 80th Cong., Sec. 2, d (2), (3) and (4).

One of the most helpful trends might be the development of a body of highly competent technical officials, rigorously laying the basis for Federal enforcement by the establishment of standards of purity or pollution and legal responsibility therefor. More than half of the staff of the Federal Water Pollution Control Division are ex-state officials. For almost 50 years, the United States Public Health Service has called the state health officials into annual conference, and many of their warmest discussions have dealt with the water problems.[63] Those who have now come into the Federal service still retain their states' rights ideas, but they are changing. There will be criticism of this development as evidence of the Federal police state, although there is already the precedent of the more powerful and more readily accepted Federal Bureau of Investigation. The FBI program was greatly facilitated by Capone and his "interstate" gangsters. It may likewise take a really serious epidemic, such as waters polluted by dangerous radioactive nuclear fission wastes, to make our water pollution control system effective.

V. HYDRO-ELECTRIC POWER AND MULTI-PURPOSE WATER PROGRAMS

It was the development of electrical energy as a by-product of our water resources that was responsible for one of the most creative adjustments in our Federal systems, that is, the regional authority. The story of the regional authority, based upon the integrated approach to river valley resources, has been presented above by Charles McKinley, with alternative solutions for the problem of how to dovetail the emerging multi-purpose water programs with the single-purpose Federal departments. There is another aspect of the Valley Authority question and that is how to fit this type of agency into the entire system of state and federal relations. In the only case available for study, the Tennessee Valley, state water and resource functions seem to have thrived after the appearance of the Federally-imposed regional authority.[64]

And yet, it was the states which first experimented with the regulation of electrical utilities. Although this movement arose as much out of the populist desire to curb the corporations as it did out of an attempt to reassert the states' powers over its water resources, the effect was the same as in the case of the regional authority, namely governmental control over one of the key elements in the evolving technology and economy of the nation. It is no accident that the states of New York and Wisconsin, which produced the two principal personalities responsible for the success of the Tennessee Valley Authority, Franklin Roosevelt and David Lilienthal, were the very states which started our system of utility regulation in 1907. State regulation is still an essential part of the nation's system of controlling utility rates and services, but it has not proved to be uniformly or eminently successful either in these fields or in exercising the controls expected by the American public over the utility corporations and over the nation's hydro-electric resources.[65] It was for this reason that the United States Supreme Court decided in the New River Case in 1940 that the waters of even non-navigable streams were subject to Federal control.[66]

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[63] See the proceedings of the Annual Conference of State and Territorial Health Officers with the United States Public Health Service.

[64] L. S. Greene, V. H. Brown, E. A. Iverson, *Rescued Earth* (Knoxville, 1948), pp. 1–50. M. H. Satterfield, "TVA—State-Local Relationships," AMERICAN POLITICAL SCIENCE REVIEW, Vol. 40, pp. 935–950 (October, 1946).

Forty-one of the forty-eight states intervened in the New River case for the purpose of preventing this paring away of their powers.[67] But mixed with such a defensible motive were the usual forces that encourage the more provincial and less powerful levels of government to align themselves with economic institutions which would rather deal, quite legitimately to be sure, with the weaker than with the stronger governmental units. There was a time, during the height of the period of state regulation, when the more supine level was the Federal; and at that time, it was standard policy for the utilities to be, in the words of the great conservationist, Gifford Pinchot, "all for Federal control—because there wasn't any."[68]

Once the Federal government showed its talents and talons in water-resource management, the states began to oscillate in their policies. Sometimes they have permitted their policies to be made *ad hoc* by state officials who in some cases were candid allies of private power and relentless foes of federal control.[69] There are a small number of states with a distinctly favorable public power policy for municipalities, and fewer still which have launched "little TVA's" of their own, haltingly and half-heartedly.[70] If the states mean business in this field, they are free to demonstrate it. As late as 1947, they and their municipalities still owned slightly more power-generating capacity than the Federal government, although neither exceeded 10 per cent of the national total.[71] True, the Federal government was planning over 625 power projects in over three-fourths of the states, but the Federal Power Act still gave preferential encouragement to states and cities, which they did not always grasp.[72]

Similarly, the states have not taken full advantage of their opportunity to foster multi-purpose water administration of their own or to integrate their existing water control agencies and programs. There were early experiments toward integration, as in the case of New Jersey in 1882,[73] but they were seldom lasting. At present, almost all the states have conservation commissions or planning and development agencies, some of them seriously at work on water problems; but few perform effectively over the entire range of water problems we have been discussing.[74]

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[65] Twentieth Century Fund, *Electric Power and Government Policy* (New York, 1948).

[66] *U.S. v. Appalachian Electric Power Co.*, 311 U.S. 377 (1940).

[67] J. W. Scott, "Is Federal Control of Water Power Development Incompatible with State Interests?" *George Washington Law Review*, Vol. 9, pp. 631–647 (April, 1941).

[68] *Idem.;* see also the Proceedings of the Southern Appalachian Power Conference, Asheville, North Carolina, 1922, and Chattanooga, Tennessee, 1927.

[69] See Lepawsky, *op. cit.*, p. 59.

[70] *Ibid.*, p. 40; Twentieth Century Fund, *op. cit.*, pp. 552–564, *passim.*

[71] Commission on Organization of the Executive Branch of the Government, *Task Force Report on Water Resources Projects* (Washington, 1949), p. 7.

[72] Scott, *op. cit.*, pp. 643–646.

[73] Hynning, *op. cit.*, pp. 61, 62.

The various forces that prevent public power or multi-purpose development, state as well as Federal, can be seen in bold relief in the Central Valley Project of California. The problem is a complicated one. It goes to the roots of our economic theories of class legislation, not merely our political theories of federalism, and there is no open and shut answer in favor of public power, state or Federal. But if the states are going to permit themselves to be used as pawns in these perennial conflicts, they will have to take the consequences in the struggle for intergovernmental existence.

VI. THE INTERSTATE COMMISSION AS A WATER AGENCY

For similar reasons, the interstate commission is exercising no telling influence upon the country's water problems. Under this type of agency, the states in their "sovereign capacity" act in unison, mainly by compact or agreement, as permitted under the Federal Constitution, but also by means of uniform or reciprocal legislation and administration.

Until recently, there were few interstate water compacts or agreements. In 1865, New Hampshire authorized its Governor to appoint two commissioners to study the dying out of the salmon as a result of the building of river dams in the New England states. In 1867, New Hampshire's commissioners met at Boston with those from Connecticut, Massachusetts, Maine and Vermont, and there it was proposed to establish the New England Commissioners of River Fisheries. The plan did not materialize and the salmon problem of New England was never solved.[75] On the other hand, a Colorado River Compact was entered into in 1925, among seven western states, under which most of the flow of the Colorado was apportioned. However, the administrative handling of disputes, not concretely covered by the compact, has continued to plague these states. At one point, Arizona sued the six other states and the Department of the Interior, in order to have the compact declared unconstitutional, and it threatened to call out the state militia to stop the building of a dam being constructed under the terms of the compact.[76]

Since 1934, interstate compacts have sprouted all over the country, most of them dealing with the subject of water.[77] One of the influences at work here has been the vigorous Council of State Governments, which is the secretariat of the American Legislators' Association, the Governors' Conference and other professional organizations of state officials.[78] Active research, promotional and administrative staffs have been established by interstate agencies created under these compacts, dealing with subjects ranging from water supply to fish conservation. Accomplishments have ranged all the way from the preparation and recommendation of uniform purity standards of pollution legislation to the provision of more effective enforcement machinery with actual powers of abatement. The recommendatory type of activity prevails, but the action type of program is also represented by such an aggressive agency as the Ohio River Valley Water Sanitation Commission.[79] Unfortunately, the Supreme Court of one of the member states, West Virginia, recently held that the state could not be bound by the agreement establishing this commission, thus reviving memories of the famous case of *Virginia v. West Virginia*, which seems to have proved before that "little really could be done to make one state fulfill its obligations to another."[80] The Interstate Commission on the Potomac River Basin may have a better chance for survival,[81] because the Federal government seems to be a direct participant, but this, of course, converts the agency into something more than an interstate one.

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[74] W. Brooke Graves, *American State Government* (Boston, 1945), pp. 452, 453; Austin F. MacDonald, *American State Government and Administration* (New York, 1950), pp. 576, 577.

[75] Caldwell, *op. cit.*, p. 234.

[76] Clifford H. Stone, "The Colorado," *State Government*, Vol. 19, pp. 234–236 (September, 1946); Friedrich, *op. cit.*, pp. 274–276; Jane Perry Clark, *The Rise of a New Federalism* (New York, 1938).

[77] Council of State Governments, *Federal-State Relations*, *Senate Document* No. 81, 81st Cong., 1st Sess., p. 43 (July 31, 1948); "Interstate Compacts, 1934–1947," *Book of the States*, Vol. 3, pp. 28–34 (1948–1949). See also the series of articles in *State Government*, Vol. 19 (September, 1946).

State autonomy is not the only danger to the interstate commission. The interstate commission suffers from the same power conflicts in our political economy as do our individual states. Again, it is inevitable and perfectly proper for economic interests to seek governmental power under our form of democracy. But in spite of its gestures toward joint state action, the interstate agency seems to be aligning itself with the anti-governmental side. From the beginning of the revival of the interstate compact movement in the '30's, there have been rumors that the trend toward interstate water agencies was being used as a bulwark against further federalization of the kind represented by the Tennessee Valley Authority. Certainly the Executive Secretary of the Interstate Commission on the Delaware River Basin makes no effort to conceal this as his objective.[82]

What the states can accomplish jointly if they commit themselves to a genuine program of constructive action rather than devoting themselves to a program of negating Federal action is demonstrated by the achievements of the New York Port Authority, established jointly by New York and New Jersey. Short of an about-face in the outlook of a majority of these interstate agencies, however, they are likely to remain advisory and research agencies, devoting some of their best energies to the prevention of Federal action.

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[78] Clark, *op. cit.*, p. 33; Caldwell, *op. cit.*, p. 239.

[79] Raschig, *op. cit.*, pp. 230–238.

[80] 246 U.S. 565 (1918); Clark, *op. cit.*, pp. 78, 79. See also Friedrich, *op. cit.*, p. 265, and Kenneth A. Reid, "Pollution Control," *State Government*, Vol. 18, pp. 30–32 (February, 1945).

[81] Hubert Gallagher, "Solving Pollution Problems in the Potomac River Basin," Interstate Commission on the Potomac River Basin (1950); L. Harold Sothoron, "The Potomac," *State Government*, Vol. 19, pp. 222, 223 (September, 1946).

[82] James H. Allen, "The Delaware River Basin Integrated Water Project," Address to Annual Meeting of the Lehigh Valley Flood Control Council at Northampton, Pennsylvania, February 2, 1950.

VII. THE AMERICAN THEORY OF FEDERALISM IN RELATION TO WATER RESOURCES

This idea that American federalism means a state veto on Federal action has never been the prevailing American theory. It frequently may have worked out this way by virtue of the alignment of special and sectional forces, as this paper has shown. But some of the nation's most dramatic discussions, speeches, conferences and documents have assumed a more positive theory of Federal action, and law and practice have been following, slowly but steadily, in the wake of this theory.

The advocates of national planning and internal improvements in the early 1800's were frankly Federal and anti-state in their position on water management. They included such famous names as Albert Gallatin and John Quincy Adams.[83] After 100 years of both the development and the dwindling of our resources, Theodore Roosevelt took up the challenge by launching the national conservation movement, largely through state governors and state officials.

In its origin, the conservation movement was dependent upon the formulation of a national water program. Speaking before the Society of American Foresters in 1903, Roosevelt emphasized "water supply" and "stream flow." At the same time, he went to the heart of some of our current controversies by asserting that "the recent development of the application of water power to the production of electricity available for use at considerable distances has revealed an element of substantial value in streams which the Government is or is liable to be called upon to improve for purposes of navigation."[84]

From this point on, the sequence of events was as follows. In 1907, Roosevelt appointed the Inland Waterways Commission to consider the relation of our streams to natural resources conservation. The Commission was so impressed with the serious need for action that it recommended the President call the White House Conference of Governors (the first national Governors' Conference) to discuss the conservation problem. The White House Conference, which met in March, 1908, while nominally a general conservation conference, dealt largely with water. It touched on the whole range of water problems from navigation to irrigation to pollution. While hydro-electric power was a comparatively new subject, Ex-Governor Pardue of California expressed the fear that, unless the Federal government acted, this resource would fall into the hands of "monopolies," as had already begun to happen in his state. Henry Riesenberg of Indiana recommended that the national government create a new department of "Natural Resources and Public Works," to supervise all the natural resources of the country, including those owned by the state.[85]

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[83] Letter, John Quincy Adams to the Rev. Charles W. Upham, February 2, 1837, in Henry Adams, *The Degradation of the Democratic Dogma* (New York, 1919), pp. 24, 25; Albert Gallatin, *American State Papers*, Class X, Miscellaneous, Vol. 1, pp. 724–921, discussed at length by Carter Goodrich, "National Planning of Internal Improvements," *Political Science Quarterly*, Vol. 63, pp. 16–44 (March, 1948).

[84] Speech before the Society of American Foresters, March 26, 1903. See *Proceedings of a Conference of Governors in the White House* (Washington, 1909), pp. 3–13.

[85] *Ibid.*, pp. 135, 136, 357–359.

The White House Conference was followed in December, 1908, by the meeting of the Joint Conservation Conference, consisting mainly of representatives of that half of the states in which state conservation commissions had burgeoned forth. Here a similarly wide range of water problems and solutions was discussed. Meanwhile, in June, 1908, Roosevelt had appointed a National Conservation Commission, which reported in January, 1909. This report covered virtually every current subject-matter and many of the contemporary solutions relating to the American water problem today: water resources in relation to "human" resources, water resources as our most "neglected" national resource, the "wasteful and profligate use" of water and other resources, a proposed multi-purpose program totalling $50,000,000 per year, pollution control, and even the possibility of using sewage for fertilizer.[86] There were two additional points on which our conservation reformers of today seem to have become somewhat silent. First, the Commission pointed out the need for protection against the "upsurge of monopoly" and demanded that "private right must yield . . . to the welfare of the commonwealth"; and second, the Commission leaned heavily toward "federal regulations in the interests of the people," although there was some concession to "cooperation with the states."[87]

The American conservation movement was a popularly supported as well as a dramatically-led movement. The utopian literature which followed in the wake of the White House Conference around 1910 emphasized the public ownership aspects of "white coal," that is, water power.[88] In 1911, Frederick Taylor opened his famous *Principles of Scientific Management* with a reference to the conservation movement, but he preached the greater importance of stopping the wastes of "human effort" through scientific factory management rather than scientific management of our natural resources.[89]

This less comprehensive conception of scientific management prevailed. Subsequent Governors' Conferences began to lambast national planning and control of resources. It is one of those ironical turns of American history that by the 1930's, when Franklin Delano Roosevelt started to revive the national conservation and planning movement, the Governors' Conference, founded through the efforts of his namesake, became one of the sources of restraint upon the Federal government. Even the National Resources Committee, presumably one of the most "radical" of the New Deal agencies, was much more reserved than Theodore Roosevelt's National Conservation Commission. It spoke of "Federal participation" and "Federal aid in planning and executing" a program which would "scrupulously observe the rights of the several States, both in intrastate and interstate streams"; and, it reported, "it was obvious that the Federal Government could not impose any integrated water plan on the States . . . since the control of inland waters rests in large part with the several States."[90]

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[86] *Ibid.*, pp. vi, 3, 13, 24, 237–258; National Conservation Commission, *Report*, Vol. 1, *Senate Documents*, Vol. X, 60th Cong., 2d Sess., pp. 46–49, 127 (1908–1909).

[87] *Ibid.*, pp. 3, 6, 27, 47, 130–133.

[88] John L. Mathews, *The Conservation of Water* (Boston, 1910).

[89] (New York), pp. 5–7.

A few years later, the United States Supreme Court in the New River Case virtually handed intrastate as well as interstate streams over to the Federal government, thus doing a much more radical job than the New Deal planners in the interpreting or reinterpreting of the nation's water technology and its theory of federalism. State-minded authorities, too, now admit that the states are not doing their job properly in water management.[91] There are of course many failings in the existing Federal program as well, as this series of articles has shown. But most of the criticism, backed up by the weight of the evidence, points the finger of responsibility at our states.

The Shame of the Cities of forty years ago is being converted by some of our critics into the *Shame of the States*. State government has been accused of being "the most stultifying unit of the nation's political structure today."[92] Without accepting this blanket condemnation, it does seem to be true, as this analysis of water management suggests, that the states are more interested in the protocol and procedures of federalism, than in its purposes and practices. They are more concerned with the division of power than a division of labor, and seem to be devoted to a form of governmental incantation, while the Federal government is left to meet the real responsibilities for action demanded by citizens whose interest in practical achievement exceeds their attachment to a rigid theory of federalism. If a more pragmatic water program is not forthcoming and if state inactivity or obstructionism continues, the American people have both the inclination and the means to assign more and more of the job to the Federal government.

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[90] National Resources Committee, *Drainage Basin Problems and Programs* (Washington, 1937), pp. 1–3.

[91] Council of State Governments, *Federal-State Relations, op. cit.*, p. 133; *"Incodel," The Interstate Commission on the Delaware River Basin: A Decade of Planned Progress*, p. 17 (1936–1946); see also Abel Wolman, "Wanted—A National Water Policy," *State Government*, Vol. 19, pp. 215 ff. (September, 1946); Peet, *op. cit.*

[92] Robert S. Allen, *The Shame of the States* (New York, 1949), p. vii.

NOTES AND MEMORANDA

THE SENATE ON TRIAL

HUBERT H. HUMPHREY
United States Senate

Now that we are knee-deep in the second session of the 81st Congress, it is timely to review the record and to ponder the performance of the Senate of the United States since it assembled in Washington on January 3, 1949. I confine myself in this article to the upper house of our national legislature because it was the Senate which was in the main responsible last year for prolonging the session for more then eleven weeks beyond the July 31 adjournment date fixed by the Reorganization Act of 1946.

The major legislative achievements of the Senate during the first session of the 81st Congress were truly impressive. It authorized the continuance of the Marshall Plan, and approved the refinancing of the European Recovery Program, as well as aid to Greece and Turkey. It voted to extend the Reciprocal Trade Agreements Act for three years and to restore its former provisions. It approved the military aid program to western Europe and extended the Institute of Inter-American Affairs. It ratified the North Atlantic Pact and passed several measures designed to strengthen our national defenses. It authorized the President to reorganize the executive departments in line with the recommendations of the Hoover Commission and approved seven reorganization plans, even as it rejected President Truman's plan for a Department of Welfare. It approved the establishment of the new General Services Administration, salary increases for government executives and employees, and extension of rent control.

During the first session, the Senate also passed several bills affecting the national economy, including a bill to establish a national monetary commission. It enacted a public housing and slum clearance law, approved $300 million a year in Federal grants-in-aid to state school systems, a school construction bill, and passed bills establishing a National Science Foundation, expanding the hospital construction program, and providing local health services. It ratified the international wheat agreement, revised the farm price support program, extended and broadened the crop insurance program, and facilitated the fixing of fair acreage allotments for cotton. It increased the minimum wage. The Senate also passed half a dozen bills during the session affecting veterans' benefits, created 27 new Federal judgeships, and did its part to grant home rule to the voteless District of Columbia. Although the House did not concur in all these measures, it cannot be denied that the legislative output of the Senate during the session, both in quantity and quality, was of a high order of magnitude.

It is not the productivity of the Senate on the side of law-making that I am interested in for this article. It is rather the persistence of certain archaic procedures and the lack of effective party discipline, which make for frequent criticism and serious concern on the part of those interested in maintaining not only the dignity of the Senate but its efficiency and its response to the public will, that concerns me. It is not so much its sins of omission alone which bring forth criticism of the upper chamber, but rather its unlimited debate, its tolerance of dilatory and obstructive tactics, and its frequent absenteeism.

DEBATE IN THE SENATE

One of the least defensible and to my mind most undemocratic procedures in the Senate of the United States is that which permits a minority of its members to prevent a majority from acting. There have been many important cases down through the years in which the Senate, through obstructions to the will of the majority which are possible under its rules, has failed in its duty to enact measures which the people desired and which a majority of its own membership favored. By the device of filibustering, organized blocs of Senators take advantage of its traditional right of free and unlimited debate in order to paralyze the Senate completely and prevent it from acting on any proposal to which the bloc is deeply opposed. Thus, for three decades, filibusters against the civil rights bills have always been effective in preventing a vote upon them.

When opportunity for debate is so narrowly restricted as it is in the House of Representatives, it is essential that there should be ample opportunity in at least one house of our national legislature for free speech, free debate, and free amendment. But the power of full and free debate should be used to secure the enactment of wise and necessary laws, not to frustrate the will of the Senate itself. The means to promote the end ought not to be used to defeat the end itself. If four judges out of the nine on the Supreme Court undertook to prevent it from reaching a decision in an important case by endless discussion and by reading extracts from the United States Code and from law treatises, they would probably be severely condemned and perhaps subject themselves to impeachment charges. Yet there have been many times in the history of the Senate when it has been unable to perform its legislative functions because of minority obstruction. Senators with great measures in their charge have been forced to sit, impatient and often angry, while other Senators poured out an endless stream of irrelevant and empty chatter.

The filibuster is an evil. It is the attempt by minorities to prevent the constitutional action of majorities whenever the minority happen not to like it. The Senate has tried twice to limit the practice, first in 1917, and again in 1949. It adopted a cloture rule to limit debate in 1917 after a filibuster against President Wilson's armed ship bill had rendered the government of the United States "helpless and contemptible." But in the 32-year history of this rule it was successfully applied in only four instances out of nineteen attempts: to limit debate on the Versailles Treaty in 1919, on the World Court issue in 1926, on a branch banking bill in 1927, and on a bill creating a Bureau of Customs and Prohibition in the same year. Since 1927 cloture has never been successfully applied to debate in the United States Senate.

The failure of the 1917 rule led to an abortive bi-partisan attempt to tighten it early in 1949. The Senate Rules Committee, after hearings, recommended an amendment which would have plugged the loopholes in the old rule. This proposed change in the rules precipitated a three-weeks filibuster which was finally compromised by the adoption of a new rule on March 17, 1949. Under the new rule, adopted by a vote of 63 to 23, the Senate decreed that, after certain preliminaries, 64 Senators—two-thirds of the entire body—can limit and eventually end debate on any question before the Senate, except a proposal to change the rules of the Senate itself. This issue, writes Senator Myers of Pennsylvania, "is placed in a separate category of sacredness, and no motion to limit debate . . . can lie against it."

Of the various amendments offered to the old cloture rule, the least liberal amendment was adopted. Under the Senate's new cloture rule, it will hereafter require the favorable vote of 64 Senators to close debate, compared with the requirement of two-thirds of those present and voting under the 1917 rule. The loopholes in the old rule have been plugged, but at a price which makes it well-nigh impossible ever to liberalize the cloture rule. For, as Senator Myers points out, by decree of the Senate itself, "no machinery whatsoever for ending a filibuster on future changes in the rules" is now in existence. And, of course, any future attempt to strengthen the cloture rule will run head-on into a filibuster. By "giving up" the power to filibuster the Journal and the power to filibuster a motion to take up, the Southerners "gave up" something which the framers of the 1917 rule never intended anyone should have. "The action of the Senate on March 17, 1949, was a retrogressive step," concludes Senator Myers, "an action designed to make it harder rather than easier to cut off debate when the debate is not for the purpose of persuasion or instruction, but rather for the sole purpose of obstructing and preventing the Senate from disposing—ever—of certain matters before it."

The remedy for endless talk in the Senate is a simple one. The Senate should amend its rules so as to enable a majority of all its members, or a majority of those present, to limit debate on any motion, measure, or other pending matter, after a period of unlimited debate for a specified number of days, say, one or two weeks. There is no subject under the sun of which the essential facts and the pros and cons cannot be thoroughly explored and ventilated in a week's or two weeks' debate. In the House of Representatives it has been possible since 1789 to terminate debate and bring the matter under consideration to an immediate vote, if a majority of those present and voting so desire, by adopting what is called the "motion for the previous question." This simple remedy has been proposed by many Senators down through the years, including Senators Morse and Myers and myself in our time.[1]

There is one other very important problem in connection with any discussion of senatorial debate. It has been said that no music is sweeter to a Senator's ear than the sound of his own voice, and far be it from me to deny that Senators belong to the talking classes. More important, however, than the fact that at each session millions of words are poured into the research archives of the *Congressional Record* is the fact that a large percentage of these forensics is irrelevant to the pending business of the Senate. On June 13, 1935, Senator Huey Long of Louisiana addressed the Senate for nearly sixteen hours. The pending business was a joint resolution proposing to extend the National Industrial Recovery Act. Senator Long devoted less than half an hour to a direct discussion of the business before the Senate. For at least fifteen hours, writes George Haynes, historian of the Senate, "nothing was too irrelevant to serve his purpose. He gave recipes for fried oysters and 'pot-likker,' for coffee and turnip greens. Cards from the press gallery brought welcome suggestions: the life of Judah P. Benjamin, the history of Frederick the Great. For hours he expounded the Constitution, section by section . . . it ended at early dawn. It had lasted nearly sixteen hours. In the Congressional Record it fills about eighty pages."

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[1] *S. Res.* 322, introduced on August 2, 1950, by Senator Morse and Senator Humphrey, provides for majority cloture.

On June 20, 1936, Rush Holt of West Virginia, while the Senate was considering a coal conservation bill, read at length from Aesop's *Fables*.

During the filibuster fight in March, 1949, when the business before the Senate was a motion to consider a proposed amendment to the cloture rule, fifteen Senators made extended speeches on subjects entirely irrelevant to the pending business. One Senator spoke on American foreign policy and the military trials. Another made three long speeches on the North Atlantic Pact. A third discussed the appointment of Louis Johnson to be Secretary of National Defense. Still another attacked the Wallgren nomination in a nine-hour speech, and one more spoke at length about Federal publications. No subject was too remote from the business at hand; no parliamentary device could restrain the speakers.

In Jefferson's *Manual of Parliamentary Practice* there is a section providing that "No one is to speak impertinently or beside the question, superfluously, or tediously." But the last time a Senator was called to order for irrelevancy was back in 1848. Since 1872 the practice of the upper house has been that a Senator cannot be taken from the floor for irrelevancy in debate. During the Civil War, Senate debate in secret session on subjects relating to the Rebellion had to be germane and limited, but that was a passing aberration. On the other hand, the House of Representatives has had a rule of relevancy since 1789 and it has been quite strictly enforced. The fact that debate in the lower house must be germane and limited is the chief reason why the House is often ahead of the Senate on the legislative time-table. The simple remedy for irrelevancy in Senate debate is to amend the rules so as to require debate to be germane to the pending business.

Senator O'Mahoney summed up the case for relevancy in his remarks in the Senate on March 11, 1949. "We are here as members of the legislative body of the United States," he said, "and the business of a legislative body is to legislate. It is not to spend hour upon hour splitting hairs . . . or talking endlessly about irrelevant subjects. . . . Are we in the Senate impervious to the rule of common sense? Shall the great majority of a body wear itself out because a small minority is willing to exercise its muscles and its lungs . . . in discussing irrelevant questions? . . . A body which cannot govern itself will not long hold the respect of the people who have chosen it to govern the country . . . the time has come when the Senate should demonstrate to the people of the United States and to the people of the world that it can function."

A PREMIUM ON DELAY

The first session of the 81st Congress, which adjourned on October 19, 1949, was one of the longest peace-time sessions of Congress in history. The session drew its weary length along through the hottest Washington summer since 1872, far beyond the July 31st deadline fixed by the Reorganization Act of 1946; The late adjournment can be attributed largely to procedure in the Senate, where there were frequently signs of a "deliberate slow-down" of the legislative process. This was in part caused by the use of only 21% of the time available for legislative sessions during January and February, during most of which essential preparatory work was being undertaken. More relevant explanations are to be found in the three-week filibuster against the civil rights program in March, in frequently irrelevant speeches throughout the session, and in the unprecedented delay in acting on the annual appropriation bills.

In contrast with the speedy passage of all the general appropriation bills by the House before the April recess, due to certain improvements in the internal organization and procedure of its Committee on Appropriations, the log-jam of appropriation bills in the Senate and in conference reached an all-time peak during the session. All the major supply bills are supposed to be enacted before July 1 of each year when the new Federal fiscal year begins. Those money bills originate in the House and then go for review and revision to the Senate which had eleven weeks to act upon them before the July 1 deadline. Seven of the ten general supply bills passed the Senate by July 1, but the Independent Offices, Foreign Aid, and Interior appropriation bills did not clear the Senate finally until August 2, 8, and 25, respectively. Half a dozen of the major money bills were not approved until late summer or fall. The delay made it necessary for Congress to pass six resolutions providing temporary funds to keep the government going.

Two remedies have been suggested for legislative delays. One is the proposal to consolidate all the general appropriation bills into one omnibus measure. This step, which has been adopted in 1950, not only should expedite the appropriation process, but also will give Congress a comparative view of total proposed expenditures and estimated revenues and thus lay the basis for a balanced budget. In the absence of the right to an item veto, however, it does have certain glaring weaknesses.

The other proposal is that of Senator Myers of a legislative time-table for Congress. His resolution proposes that early in each session the majority leaders of the two houses, after consultation with the chairmen and ranking members of the standing committees, shall prepare a legislative program for scheduled committee and floor action on the major legislation of the session. This program would be revised at monthly intervals. In this way, Senator Myers hopes hereafter to avoid the familiar end-of-the-session legislative log-jams.

ATTENDANCE IN THE SENATE

One of the important problems which any legislative body faces is that of frequent absenteeism on the part of its members. The Senate, too, falls subject to this criticism. Vice-President Barkley recently remarked that absenteeism in the Senate grows each year. There are several reasons for this growth in recent years. With the rising burden of congressional business, many Senators are attending meetings and hearings of Senate committees which have received permission to sit while the Senate is in session. Others make calls at various government departments in downtown Washington on behalf of their constituents. Still others are meeting visitors in the lobbies of the Capitol or escorting them through the halls. Some Senators who have already made up their minds on the bills being debated are hard at work in their offices in the Senate Office Building. A few may be out of town on speaking trips or visiting their home districts to consult with the voters, or on campaign tours. Some, too, may be on private holidays taking rests from the ceaseless grind of legislative work. In addition, a number of Senators may be abroad on committee "junkets" of various importance. The latter was particularly true during the closing weeks of the 1949 session.

However legitimate the reason for their absence, the net effect of growing absenteeism in the Senate on the prestige of the Senate and on the legislative process is unfortunate. Hardly a day passes during a session of the Senate when several Senators do not ask and receive leaves of absence from its proceedings for a period of time varying from a few hours to several weeks. More than 250 official leaves of absence were granted Senators during the first session of the 81st Congress. During 23 business days last March, for example, 29 Senators were absent on leave at various times for a total of 77 days. The records do not reveal how many were absent without leave or continued to be absent after their official leaves expired.

This condition is bound to affect the fate of legislation. Many visitors to the Galleries of the Congress do not fully understand or appreciate all the extenuating and frequently reasonable explanations for absences, and the daily sight of empty seats makes a poor impression on them. This must have some effect on their respect for the product of the legislative process. Senator O'Mahoney has frequently expressed the fear that poor attendance on the floor of the Senate undermines popular confidence in representative government. Furthermore, bills are passed or defeated or postponed with barely a quorum of the Senate present, which might be disposed of otherwise with a fuller attendance. On October 15, 1949, for example, the displaced persons bill was sent back to committee by a vote of 36–30, in the absence of 30 Senators whose presence might well have resulted in the passage of this long-delayed measure.

The problem is indeed a crucial one. With the growth of "big government" and the need to solve increasingly complicated questions of public policy, it is clear that the burdens upon Congress and upon Congressmen are great, and perhaps too great. Members of the Senate cannot be in two places at once. They cannot, without the sacrifice of their health or the sacrifice of their political future, pay proper attention to all of the responsibilities which are theirs. Furthermore, as the people of the United States rightfully respond to the increasing number of calls upon them to "write your Senator," legislative officers and members of Congress find themselves spending an increasing amount of their time replying to letters at the expense of their other duties.

The Legislative Reorganization Act of 1946 made an attempt to deal with the problem of absenteeism from the floor by providing that "no standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House . . . is in session." This was an attempt to supplement the rules of the Senate which provide that "no Senator shall absent himself from the service of the Senate without leave" and that the "attendance of absent Senators" may be compelled whenever a quorum is not present. These attempts to correct the problem, however, have not been in the main successful. The spirit of the rule established by the Reorganization Act is often violated by the pressure of committee business and by the practice of senatorial courtesy; a request of a Senator for leave of absence is never denied. Nor is the suggestion ever seriously made today that Section 39 of Title II of the United States Code should be enforced. That section provides that the Secretary of the Senate and the Sergeant at Arms of the House should make proportionate salary deductions each day that a Congressman is absent for a reason other than his illness or illness in the member's family.

THE ANCIENT RULES OF THE SENATE

Underlying the procedural defects which handicap the Senate in the efficient performance of its constitutional functions is a code of rules which has not been revised since 1884. The rules of that far-off day may have been adequate to the parliamentary needs of the legislative process in the leisurely days of the nineteenth century; but the need of a new up-to-date codification has long been evident and often expressed by twentieth-century Senators.

The Senate's code is simple and insignificant compared with the strict and complicated procedure of the House, even though both houses had a common inheritance in the same ancient experience of the English Parliament. It began with 19 brief rules adopted in 1789. They have been revised only four times since then: in 1806, 1820, 1868, and 1884 when the original nineteen rules had grown to forty. There has been no general revision of the Senate rules in 66 years and only two important modifications have been made in the meantime: first in 1917 when the cloture rule was adopted, and second in 1949 when the cloture rule was regressively amended. The smallness of its membership, the absolute voting equality of the states in the Senate, the early leadership of the agricultural South, and the western pioneer's deep-set resistance to restraint have thus far combined with the seniority custom to maintain within the Senate chamber the old order against the new, sectionalism against nationalism, minority against majority rights.

Despite the direct election of Senators by the people since 1913, several factors tend to keep it out of harmony with the popular majority: (1) its territorial basis of representation with the wide disparities in state population; (2) the practice of assigning committee chairmanships according to seniority of committee service, which has operated in favor of those states which are most conservative in changing their Senators; and (3) the regional concentration of committee chairmanships in New England and the Northeast when the Republicans are in power, and in the South when the Democrats control. These are some of the reasons why the rules of the Senate have advanced at a snail's pace.

The archaic character of the Senate rules is also due to several other influences. Senators have long believed that their rules should be conservative, not creative; weapons for the defense of the minority rather than tools of the responsible majority; devices to promote local sovereignty rather than a more effective legislative system. The constitution makers intended that the upper chamber was to sit as a council of revision rather than as an active initiator of the laws—a purpose which, as Woodrow Wilson observed, is promoted by "simple, comparatively unencumbered forms of procedure." The fact that two-thirds of the members always continue in office makes for a stable and continuing membership which is partly responsible for the decentralizing tendency in the Senate. The rules of the Senate, as a continuing body, remain in force from Congress to Congress without reaffirmation, whereas the discontinuity of the House requires the adoption of a set of rules at biennial intervals. The fact, moreover, that the average age of Senators is 60, and that the Senate is governed by its older members under the seniority rule, gives the conservatism of old age much influence.

Operating both as cause and effect of slow parliamentary progress in the Senate are the large powers of individuals and minorities. Senators often tend to think of themselves as "ambassadors of sovereign states," though state sovereignty has in fact passed away forever. They feel a large independence of one another, of their committees, of caucus decisions and platform pledges. The Senate's smaller numbers make each voice and vote correspondingly more valuable. Individual Senators have conducted famous filibusters against the majority will and individual absentees have effected the passage or defeat of important measures and nominations. When party ratios on committees are close, a single defection can defeat a presidential nomination. Witness the seven to six vote by the Armed Services Committee against Mon Wallgren to be chairman of the National Security Resources Board. Single Senators have held up great appropriation bills until they have been amended to provide for pet projects in their states. In 1903, for example, Senator Tillman of South Carolina filibustered against a deficiency appropriation bill because it failed to include an item paying his state a war claim; the item was finally replaced in the bill.

Senate history is replete with similar examples. In a body much of whose business is transacted by unanimous consent, the power of the individual member is manifest.

Senator Henry Cabot Lodge wrote in 1893 that "the rules of the Senate are practically unchanged from what they were at the beginning." Former President Pro Tem Ingalls remarked that "rules are never observed in this body; they are only made to be broken. We are a law unto ourselves." "The rule of the Senate has been its own sense of propriety and dignity," said Senator Anthony. Mutual respect, tradition, custom, courtesy, forbearance, honorable obligation have been the unwritten rules of the Senate over the years.

But many Senators believe that the time has come to modernize their legislative methods to avoid the difficulties faced by our legislative machinery under its tremendous modern burdens. Dr. George B. Galloway has said that "the cookbook of congressional reform contains many recipes." George H. Haynes, historian of the Senate, wrote in 1938 that "a general revision of the Senate rules is much to be desired. There is need of a new codification to bring order and clarity into the patchwork of fifty years. Senate rulings and precedents show many uncertainties and inconsistencies."[2]

A CONSTITUENT'S WASHINGTON REPRESENTATIVE

The public business is also detained in the Senate, as it is in the House, by the huge non-legislative work load which the American people impose upon their representatives in Congress. This burden consists in large part of errand-running for the folks back home. It consists in part of the hundreds of private bills for the payment of tort claims and for suspending the immigration and naturalization laws in individual cases which Senators introduce on behalf of constituents and follow through their committee and floor stages. The Senate spent two hours one afternoon last October debating the claim of a war nurse for damages for injuries she suffered in an accident in India back in 1945. Much Senate time and attention is also consumed in the performance of its duties as the board of aldermen for the District of Columbia which has been deprived of local self-government since 1874. It takes an act of Congress to change a street name in Washington or kill weeds or destroy starlings or do a hundred other trivial chores for the Capital City.

Congress ought to be relieved in the atomic age of these local and private trivia which sap its energies and divert its attention from the great national and international problems of our time. The remedy here, as Senator Kefauver has urged, is to stop asking Senators and Congressmen to be our errand-boys and to delegate the settlement of private claims and immigration matters to appropriate administrative and judicial agencies, thus completing the evolution begun by the Reform Act of 1946. Home rule should also be granted to the people of Washington. If we want to expedite the public business and see Congress function efficiently, we must, so far as possible, limit national legislation to matters of national importance.

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[2] *S. Con. Res.* 87, introduced on April 26, 1950, by Senator Humphrey, would establish a Joint Select Committee on the Reorganization of Congress, to make a continued study of the organization and operation of Congress. The bill was introduced in the House of Representatives by Congressman Holifield of California.

THE NEED FOR PARTY RESPONSIBILITY

A final and formidable obstacle to the efficient dispatch of the public business in the Senate is the lack of effective party government. The American people have long believed that political parties are the principal instruments of democratic government and that the majority party should have the power to govern the country. The Democratic Party won control of the Presidency and both houses of Congress in the 1948 elections, yet several of its platform pledges have been defeated or frustrated by hostile coalitions on the floor of the 81st Senate. Dixiecrats from the solid South, who sat on the Democratic side of the aisle, ignored their party's program on civil rights and repeal of Taft-Hartley and formed an alliance with northern and western Republicans to defeat these measures and weaken the cloture rule. On many crucial issues the real control of the Senate rested not with the majority party but with this Dixiecrat-Republican coalition.

The internal divisions within the Democratic Party, coupled with the control over legislative action exercised by the standing committees, the diffusion of political power within Congress, together with the long-standing custom of unlimited and irrelevant debate, were heavy handicaps to the development of effective party leadership in the upper chamber. Although Senator Lucas was both chairman of the party conference, chairman of the majority policy committee, and majority leader of the Senate, all he could do was cajole, wheedle, and persuade; he could not direct his "followers."

As long as varying economic and social conditions produce different habits of thought and regional attitudes in the United States, as long as some Senators feel obliged to subordinate national to provincial interests, and as long as political parties are loose coalitions of dissident elements, so long will it be difficult to achieve effective party government in the upper house. But some progress in this direction can be made, I believe, by strengthening the machinery of party government in Congress. I suggest four steps:

(1) Revival and more extensive use of the caucus as an instrument for the formation and promotion of party policy. The caucus is the general assembly of the party in the chamber. Both political parties have used it effectively in times past. It is the only known means by which the parties may formulate their legislative policies and by which the majority party can execute its decisions.

(2) Creation of joint congressional policy committees in each party, with their officers rotating between the members of the two houses, and with expert staffs to plan legislative strategy and program and to be held responsible for the legislative implementation of party policy.

(3) Allocation of the function of making standing committee assignments and of selecting committee chairmen to the party policy committees, the

chairmen to be chosen upon the basis of ability and willingness to cooperate in carrying out the party program.

(4) Reconsideration of the committee assignments at certain intervals, say every two years, so as to allow the shifting of uncooperative members.

CONCLUSION

The United States is the leading democratic world power. Its governmental structure and operation are continually the center of the eyes of the world. The functioning of its national legislature is of general concern. Any successes or failures of our legislative process have world-wide repercussions. The organization and operation of the Senate of the United States must be viewed in that context.

The voters in the several states are responsible for the quality of the membership of the Senate. The Senate itself, however, is responsible for its internal methods and operation. The people of the United States must join with their elected representatives to shape and direct the procedure of the Senate so that it will increase in public esteem and become truly a noble example of efficiency and response to the democratic process.

THE LOGIC OF INTERNATIONAL RELATIONS AND ORGANIZATION

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The patterns of international relations and organization prevailing at any given times are set by the interplay of the policies and activities of so-called national states and governments. And only to a slight degree are those policies and activities guided by considerations, on the part of those immediately in control of them, respecting the more fundamental and general rationale or logic of international relations and organization. The gentlemen in question—the President of the United States, the Secretary of State, Senators, other executive officials, lower administrative agents, and their counterparts in other countries—are animated by personal feelings and judgments and by deference to the ascertained or supposed desires of their constituents. This is a generally accepted situation in which little change need be expected.

Nevertheless it may be useful, particularly in a period when feelings are running high and judgments are somewhat uncertain on the part of officials and constituents alike, to pause and try to recall the rational or logical bases of international relations and organization. If the constituents mentioned above—voters, newspaper readers, students, and their informants and leaders (the journalists and educators)—could be induced to remember these elements of reason and practical common sense underlying the international picture some salutary influence might in consequence be exercised upon the officials in question. In any event the effort is a natural and justifiable one for technical students and teachers of political science.

On the other hand such an analysis must not be based upon any mystical or ideological conceptions of international affairs. This would be misleading mainly because of the illusion that such conceptions consist of pure reason and revealed truth, whereas in fact they are, like the reactions of the administrators, also distillates of observation and experience which refuse to admit their humble origins.[1] Our analysis must be based upon the precipitate of actual international life, although subject to as large a perspective and as vigorous a logical analysis as it is possible to summon to the task. What then are the logical bases of international relations and organization, their nature and their forms, their functions, their effects, and their values?

The basic fact in the situation is found in the coëxistence on the surface of this earth of some four or five score of those entities which may in simplest terms be called "countries." It now seems impossible to restrict attention entirely to what the international jurist would call a "state," or the sociologist a "nation," although it is still verbally convenient to refer to "national states" from time to time. At least eighty units, and perhaps more than a hundred, call for attention from the student of world affairs. In addition he will have to give increasing attention to entities lying below the level of the country or the state, such as non-governmental organizations, national or international, and even individual human beings.

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[1] See further P. Guggenheim and Pitman B. Potter, *The Science of International Relations, Law, and Organization* (Geneva, 1940).

The use of the term "world affairs" compels us to pause for a moment. When reference is made to world affairs, world politics, or world government the speaker or writer appears inevitably to have in mind a certain degree of world unity of which certain happenings or political relations or control arrangements are functions. It does not appear that this picture reflects any great degree of reality, at least on its higher levels. A certain kind of world unity may be detected but only on the basic level of geophysical fact and economic relations. In social and political and juridical matters we still have preponderantly an international world, although this is slowly changing.[2]

The countries of the world also vary greatly in geophysical conditions, in ethnological and biological composition, in culture, in the resulting economic conditions, organization, and activities, and in national political life and constitutional governmental forms and practices. Finally they differ greatly in their economic needs and political interests as well as in their attitudes toward other countries individually and toward the international community and its organization.

Whether the interests and foreign policies of a country will be the result of physical conditions or of subjective reactions thereto, or even of ideological attitudes of a still more abstract type, apparently depends on several factors. Countries in the temperate zones seem to be more objective and rational. Certain biological strains appear to be more strongly devoted to ideological and emotional reactions. Passing historical events and situations also influence this aspect of international relations.

Similarly for the problem of variation through time: the periods with which we have to deal are still too short to be of much importance. Six thousand years—the history of international relations—do not provide sufficient scope for safe generalization in this respect. But contemporary Chinese, Indians, Negroes, Greeks, Jews, Italians, Germans and English resemble in rather unequal degrees their ancestors of two thousand or three thousand years ago. Clearly nothing can be taken for certain in this domain; peoples can change but they can also remain surprisingly constant.

Probably the basic feature of the situation among the countries of the world today is their feeling of interest in one another. For economic reasons they desire things of one another or for psychic reasons they fear, hate, or admire one another. At this level there is no question of value, of good or bad, or of right or wrong. Given coëxistence on the same planet, mutual interest—friendly or hostile—is a natural condition. Isolationism is an abnormal flight from reality and an impracticable program, a species of empty nihilism, even less realistic and logical than conflict.

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[2] Q. Wright (ed.), *The World Community* (Chicago, 1948).

Given the reaction just mentioned, countries might then despair of any understanding or agreement and resign themselves to perpetual war. Actually they appear, in the main, to cherish a surprising amount of belief or hope in the possibilities of understanding and solidarity. A somewhat inexplicable optimism concerning international coöperation persists in the world. Again this is unquestionably the result of a very complex mixture of selfishness and generosity, of a desire to derive benefits and to help other countries or, perhaps, humanity.

The result of this situation is a disposition on the part of different countries, varying greatly in strength, to learn to understand one another, to communicate with one another, and to coöperate with one another, either informally or through organized institutions. Here international organization enters, not, as sometimes intimated, from the outside, at the impulse of do-good reformers, but from within the normal body of international relations and commonplace intergovernmental activities.

To this description or analysis there exists today one striking exception. As a result of economic and sociological developments and more or less accidental developments in the history of European economic and political thought, a doctrine of class warfare made its appearance in the late nineteenth century and was grafted onto the theory concerning international relations.[3] According to this interpretation countries of a certain type, namely capitalist imperialist countries, could not have any relations, except those of conquest and exploitation, with other countries, all of the latter being assumed to be proletarian colonial countries. Little was said concerning the relations among countries of the second group themselves; perhaps they might have the normal relations described above but, if so, this possibility was disregarded in Marxian theory. The capitalist empires were held to be deadly rivals of one another and to have no other kind of relations among themselves. Among the members of this group and between them and members of the second group no frank or honest exchange of information or opinion and no coöperation was possible, but only perpetual deception and conflict.

As an interpretation of reality this theory turns out to be largely nonsense, and as a counsel of policy it has had very little acceptance. Consequently it emerges only to a very limited extent in actual international relations, being of little or no importance among all but less than ten countries in the world today and important only where imposed by superior force and dogmatic control. The fact that the eight or ten minor countries dominated by the chief exponent of this doctrine are set off against the remaining seventy or eighty countries of the world also tells nothing concerning the validity of the dogma described. It merely reveals the fact that any country or group of countries adhering to any dogma hostile to the principles accepted by, and to coöperation among, other countries could wreck such unity and coöperation in proportion to its power.

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[3] For Marxist theory of international relations, see F. M. Russell, *Theories of International Relations* (New York, 1936), pp. 507–538. The interpretation given in the text derives largely from later elaborations of Communist theory rather than from Marx himself.

To return, the countries favorably disposed toward international relations and coöperation also become favorably disposed toward international organization, that is, organized international coöperation. The reason for this reaction is to be found in a simple impression that the functions of international coöperation can be carried out more efficiently through international institutions than it can through more or less unorganized international action, although the latter continues in large measure and should by no means be forgotten, much less excluded. In spite of their inherited antagonism toward international organization the countries of the world have felt compelled to participate in it recently in a large measure.

The functions to be performed by or through international coöperation may be stated either in terms of the objectives to be achieved, the subject matters to be treated, or the procedures to be employed.

The primary or over-all objective of any country which engages in such activity is to protect or further its own welfare, although it may be willing, to a limited degree, to seek such benefits indirectly by furthering the welfare of the international community of which it is a part. A very complex and delicate computation of costs and benefits is involved here, a computation which states are increasingly compelled to make or to take into account. Finally the welfare in question may range from simple protection against physical attack and injury or loss of territory, persons, or property, to welfare in the sphere of health or economic prosperity.

The subject matters treated in international coöperation logically range over the whole scope of human life. There are today virtually no subjects which by their inherent nature are unsuitable for international treatment, and virtually none which do not actually receive such treatment. They extend from the general matters just mentioned to armaments, morals, education, science and art, communications and transportation, including all of their subdivisions. This identification of international coöperation by reference to the subject matters treated[4] was once very common but upon examination turns out not to have great significance. Neither the forms of international organization, nor the procedures employed, nor the results achieved, correspond strictly enough to the varieties of subject matter treated to make this standard of reference of overwhelming importance.

The forms of action taken by coöperating countries also range widely from investigation and discussion, through agreement or international legislation, to executive and administrative action, including judicial administration and enforcement. The central objective—in terms of procedure—being to harmonize national policies and where possible to secure adoption of common international policies, this effort may be made on any one of several levels. Inasmuch as most states have (or had, historically) formed policies of their own on various matters before coming into contact with one another, the obvious step to be taken was that of attempting a reconciliation by negotiation or diplomacy. On the other hand, it may prove possible in newer problems to institute the process of harmonization earlier and secure adoption of an international policy from the start, an alternative which has evident advantages where it is available. In either case the later stages of action involve all of the arsenal of governmental procedure, including subordinate forms of administration such as secretarial work, management of personnel and equipment, advisory action, decision-making and execution.

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[4] See L. A. Mander, *Foundations of Modern World Society* (Stanford, 1947).

In international coöperation the elements of authoritative legislation and effective execution are not entirely lacking. States arrange for such action and submit themselves to it by original agreements, freely entered into, which later operate as bases for binding majority vote and physical or other forms of coercion. There is not enough of this type of activity to be found in international organization yet for us to regard that process as generally equivalent to "government" in the national sphere; most international joint action is still voluntary coöperation, organized and unorganized. Nevertheless the instances of authoritative and coercive action are multiplying and proliferating in a very interesting manner today.

The development of international enforcement action has taken a somewhat startling turn in the past few years, and the eventual outcome is by no means clear. Until thirty years ago the problem of enforcement was conceived in terms of sanctions action by states against states or by an international force against one or more states. Application of international law or agreements to individuals, by international authorities, was by no means unknown, but it was regarded as exceptional by students of these problems whereas the use of international sanctions action and even an international police force were regarded as at least possible. Today the formation of such an enforcement agency, on any world scale at least, and in highly unified form, seems excluded for an indefinite time by the configuration of power in the world, although coöperative sanctions action by states is still available. At the same time the extension of enforcement arrangements to individuals goes on apace and it is even argued that the solution of the impasse encountered in respect to sanctions among states lies in dealing with individuals instead.[5]

The institutions created by governments to regulate or conduct their common affairs naturally vary with the functions to be performed. Modern states inherited at least three types of institutions from earlier periods of international relations, namely, diplomacy, conference, and courts. International administrative agencies (bureaus, commissions, offices, etc.) were not unknown in earlier times but were not very well developed or extensively employed; they have enjoyed a tremendous expansion and improvement in recent decades.

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[5] We still lack a good summary of the theory of international sanctions or enforcement; see, on one phase, H. Wehberg, *Theory and Practice of International Policing* (London, 1935), and, on another, L. L. Leonard, *International Regulation of Fisheries* (New York, 1944).

The executive council, in part a variant of the conference and in part a close kin to the administrative commission, has also developed greatly as a result of the need for, and the willingness of, governments to accept an increased degree of quasi-authoritative control short of legislation and sanctions. At the same time it has been found indispensable to carry along the ancient institution of diplomacy in view of the nature of international relations and the incomplete development of legislation procedure in the conference. Needless to say many variants of all these institutions occur.

At certain times in the past a strongly legalistic treatment of the general problem of organized international coöperation seemed imposed by tradition and circumstances. In view of the importance of law in the organization of national society it seemed only reasonable that the international community should also be organized through and under law. The powerful tradition of the Roman law added its influence upon the European and Latin-American states. If there was violence and disorder among the states what more natural remedy could be found than a law of nations? Around the beginning of the present century this attitude had reached a peak of sharpness and emphasis, and students of international law were unconsciously highly confident of the strength of this discipline on the eve of the outbreak of war in 1914.

Today that situation has been seriously modified. The logic of the situation has not been greatly altered; more or less sincere theoretical attacks upon the idea of international law stemming from neo-romantic German Nazi and Italian Fascist sources as well as from Communist dogma and the power politics of various countries have not had very harmful effects. The increased necessity for, and acceptance of, international regulation has at least counterbalanced this factor. But the unsettling effect of two world wars, plus the foolhardy neglect of the law of war by the governments following World War I, and following World War II, plus the spectacular collapse of the effort for codification of international law under League of Nations auspices, have had disastrous consequences. As far as the effects of wartime violations were concerned—and even these were probably not as extensive as had been commonly believed—it was only the law of war which was concerned; but failure of codification and a sort of contagious effect from the atmosphere of violation and chaos has led to questions concerning the very existence and certainty of all international law. This debilitating effect has not been remedied to any great extent by the large expansion of international legislation by multipartite conventions, for it relates to another field, namely, the principles and provisions of general or common international law. As yet the new International Law Commission under the United Nations has not had time to do much to rescue the ancient and once proud law of nations.[6]

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[6] For a strong critique of international law in recent times see E. D. Dickinson, "International Law: An Inventory," *California Law Review*, Vol. 33, p. 506 (December, 1945). On the general problem, see H. Lauterpacht, *Function of Law in the International Community* (Oxford, 1933), and documents prepared for the International Law Commission of the United Nations, especially United Nations document A/CN.4/1/Rev.1, *Survey of International Law* (1949).

A somewhat similar situation exists in the field of international adjudication. At one time arbitration or judicial settlement was regarded as practically the apex of international coöperation, and the Permanent Court of International Justice had an impressive record under the League of Nations. Today there seems to be a flight away from international adjudication under the new International Court of Justice and the United Nations[7] and nothing is being done to remedy the defects of international judicial machinery and procedure as revealed in practice during the past thirty years and appreciated in their true character by the most responsible jurists. This negative attitude is again the product largely of power politics,but it also stems somewhat from a critique of the theory and reason of juridical treatment of international relations, a critique itself not entirely new. This view would hold that such relations are unsuited to or impossible of legalistic regulation and adjudication and require treatment rather by negotiation and possibly legislation. Is arbitration to disappear along with the law of nations?

The logic of the situation seems perfectly clear. Exaggeration of the function of law and adjudication in government is to be avoided, of course, and it is true that the international field is a particularly difficult one in this connection. On the other hand it seems obvious that there is a definite place for legal and judicial regulation in international relations. The states could hardly explain their behavior if they gave no place for such regulation in their relations with one another, while utilizing it so extensively in their internal affairs. The striking and extensive effort to prosecute and punish persons guilty of war crimes in the past few years constitutes testimony of continued belief in the place of law in international relations, although the operation of something like power politics and motives of racial and personal revenge have played an important part in this matter, and certain of the more or less theoretical deviations from sound law involved in the organization and operation of the war crimes courts may have done some harm as well as good. Here again what may be called the new logic of international relations was in evidence, namely treatment of individuals as units.[8]

Beneath the phenomena of international institutions and less formal international relations lies a more fundamental problem of theory to which we must return before finally applying our reasoning to the culminating experiments in international organization, namely, the League of Nations and the United Nations. That is the problem of federal union. Can any such thing exist in the international field and does it? By federal union must be meant, it seems, any joining of two or more states by ties as a result of which the activities thereof will be controlled in the future. All geography, sociology, and history impose the conclusion that international federal union is inevitable. Actually it comes into being very early and on a very low level, as in a simple diplomatic agreement, oral or written, between two states. From here international federal union progresses by many stages and degrees to the multipartite union with important organs of government, including legislation and enforcement. This development does not—even in the last stage—extinguish individual national state life, but it is a perfectly natural and inevitable one.

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[7] L. B. Wehle, "The UN By-Passes the International Court," *University of Pennsylvania Law Review*, Vol. 98, p. 285 (February, 1950).

[8] In the matter of war crimes this treatment was, of course, actually very old and very orthodox. International Law Commission, United Nations document A/CN.4/7/Rev. 1, *Historical Survey of the Question of International Criminal Jurisdiction* (1949), and also M. O. Hudson, *International Tribunals, Past and Future* (Washington, 1944), pp. 180–186, 265–266.

The creation of the League of Nations in 1919–1920 was not, therefore, a revolutionary step but a logical culmination. Its successes and failures were also entirely understandable in the light of international conditions. Variations there could have been in degree, but not very great variations. The League might also have been utilized as the basis for world organization after World War II, but Russian and American politics decreed otherwise. The United Nations Organization harbors certain features which appear rather odd in the light of history and international facts but, if anything whatever is certain, it is that the United Nations will not last very long in its present form. It may indeed be followed by a pause in the process of organizing the world through international federation, although the nations are virtually certain to return to that task before long.

It hardly seems possible, however, to set up a world state of any high degree of unitary character. The national states or individual countries, to return to our first premise, are not going to disappear or to be willing to abolish themselves. They are, to return to our second premise, going to need one another or need benefits from one another, and they are going to try to get these things by conflict or coöperation. It seems, speaking quite objectively, that they prefer coöperation to conflict. They are not going to try for long the least practical attitude of all, isolationism.

There exists a federal union of some degree in every agreement between or among states and, in a sense, and an important sense, there exist in such cases international states, large or small, important or unimportant. One historic international administrative union was sensationally characterized as a state—because in that case it had certain powers which seemed in that day to be very significant.[9] The same could be said of every international union and the League of Nations and the United Nations. No unitary world state is attainable or desirable, given actual considerations, or would work if set up; and international federal organization will not be a transitional form but, for as far ahead as we can see, a permanent form. At the same time a continuing and more elaborate and effective international organization than we have now is imposed by historic influences and the logic of the conditions of international life. These are the simplest and most elementary conclusions to be drawn from an inspection of the World of Nations.

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[9] The European Commission of the Danube; see F. B. Sayre, *Experiments in International Administration* (New York, 1919), p. 39 n.

A REVISED THEORY OF AMERICAN PARTY POLITICS

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The traditional theory of American politics holds that the pervasive characteristic of our major parties is their similarity. Both parties are presumed to support similar policies and to make similar appeals to similar groups. Inherent in this theory is the view that the parties are most evenly balanced numerically where they are most alike in programmatic terms. This follows because both parties will almost equally represent all groups of the population and because each party will be directing special appeals to that middle element whose support means the difference between victory and defeat. On the other hand, where one party is definitely dominant, the opposition party in that area will tend to be isolated and of an extremist nature of one sort or another. Professor Schattschneider has summed up this theory as follows:

> Measured on a scale of radicalism and conservatism from Left to Right, both parties try more or less successfully to spread over the whole political rainbow from one extreme to the other. Specimens of nearly all shades of opinion are found in both parties; for strategic reasons the parties need to be strong on both wings. . . .
>
> Party politics tends to establish an equilibrium which approaches perfection when the parties are alike, equal, and compete on even terms throughout the country while events, rude disturbances outside the party system, upset the equilibrium.[1]

Thus, if the voting strength of a party is called its "quantitative" aspect and its degree of liberalism or conservatism its "qualitative" aspect, the traditional theory states that the quantitative and qualitative differences between the parties tend to be directly proportional.

It is the purpose of this article to test this theory by making a statistical analysis of these quantitative and qualitative differences. The quantitative index here used is based upon the vote for congressmen in the 1946 election. The qualitative index is based upon the voting records of the members of the House of Representatives in the Seventy-ninth and Eightieth Congresses. The results of this analysis suggest that the traditional theory is no longer valid and that American politics does not tend to produce two equally balanced similar parties. ✓ The conclusion is instead reached that, contrary to the traditional thesis, the quantitative differences between the parties tend to be inversely proportional to the qualitative differences between the parties.

In making the analysis upon which this conclusion is based the quantitative difference for each congressional district is defined as the deviation of a party's percentage of the two party vote in that district from its percentage of the total national two party vote for congressmen in the 1946 elections. The use of this adjusted percentage plurality (APP) is, of course, necessary in order to avoid distortion caused by the nationwide Republican trend of that year. If a straight percentage plurality were used, many districts which are normally Democratic would be classified as close and many districts which are usually close would be classified as strongly Republican. The Republican percentage of the total two party vote for candidates for Congress throughout the country in 1946 was 54.3%. Consequently the quantitative difference for a district is the Republican candidate's percentage of the two party vote less 54.3%, if the latter is the smaller. Or if the former is smaller the quantitative difference is 54.3% less the district percentage.[2]

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[1] E. E. Schattschneider, *Party Government* (New York, 1942), pp. 88, 96.

The method which has been used to measure the liberalism and conservatism of the parties is to analyze the voting records of the representatives in the Seventy-ninth and Eightieth Congresses as published by the Congress of Industrial Organizations and the *New Republic.*[3] By dividing the total number of votes a representative cast on the selected issues into the number of liberal votes—accepting the CIO-*New Republic* definition of "liberal vote"—he cast on the same issues, an index of liberalism is arrived at for that representative. By averaging the indices thus obtained from the separate congresses a composite index covering the entire four year period is arrived at for each representative. Since our interest here is in parties and not in personalities, in districts where one party has been represented in the two congresses by two different representatives the indices of those representatives have been combined in the same manner as if a single representative of that party occupied that seat throughout the two congresses.

The CIO and the *New Republic* were chosen for this study because it is generally recognized that they represent a point of view usually denoted as "liberal" and opposed to the attitude of those who usually classify themselves as "conservative." The CIO is the largest and most powerful organization consistently supporting this liberal viewpoint; the *New Republic* is a leading journalistic exponent of the same locus of opinion. The selection of issues by these two organizations, moreover, is broad enough to exclude any unrepresentative influences which might result from too narrow a choice. Twenty congressional roll-calls were used from the Seventy-ninth Congress and nineteen from the Eightieth. Included among these were votes on labor relations, price control, agriculture, education, public power, civil rights, taxes, social security, monopoly, housing, and foreign affairs. The voting records of two congresses were used because this insures greater accuracy, affords additional information on those districts which changed parties in 1946, and avoids possible distortions if the representatives held different views when their party was in the majority in Congress and when it was in the minority. A possible complication in the use of two congresses is avoided by the fact that no state redistricted between the 1944 and 1946 elections.

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[2] The source for the vote percentages which form the basis for the calculation of the adjusted percentage pluralities is *The Gallup Political Almanac for 1948* (Princeton, 1948), *passim.*

[3] "Facts for November," *New Republic,* Vol. 115, Part 2 (Sept. 23, 1946); "Sold Out: The Story of the 80th Congress," *ibid.,* Vol. 119, pp. 11–30 (Sept. 27, 1948); Special Supplement, *CIO News,* Vol. 9 (August 19, 1946); "1948 Voting Record," *CIO News,* Vol. 11 (July 19, 1948).

The existence of the inverse quantitative-qualitative relationship is strongly suggested by the initial findings of this study presented in Table I. In this presentation the congressional districts have been divided into five groups according to their adjusted percentage pluralities. Districts with an APP of less than 5% are classed as marginal, those with an APP of 5% to 9.9% as close, those with an APP of 10.0% to 17.4% as close intermediate, those with an APP of 17.5% to 24.9% as solid intermediate, and those with an APP of 25% or more as solid. For each of these groups an index of Republican and Democratic liberalism has been obtained by averaging the indices of the Republican and Democratic congressmen within the group.

From these data it will be seen that there is a fairly consistent direct relation between the liberalism of Democratic congressmen and the closeness of the vote in their districts. Democratic congressmen elected from solid districts have a liberalism index of 44.7. Those representing marginal districts have a liberalism index of 89.9. This trend moreover is generally true for both sides of the Mason and Dixon line. The Republican correlation between votes and attitudes, on the other hand, differs sharply from that of the Democrats. While Republican representatives from marginal districts also tend to be more liberal than those from less close districts, the change is a relatively small one, and those representatives from districts more than seventy-five per cent Republican are more liberal as a whole than any other group. The variation between the most liberal and least liberal groups of Democrats is 45.2; the variation between similar groups of Republicans is 8.4.

TABLE I. QUALITATIVE INDICES BY QUANTITATIVE GROUPS

Cong. Dist. Group	Republican Liberal Index	Democratic Liberal Index	Democratic Liberal Index, North	Democratic Liberal Index, South
Marginal	20.3	89.9	89.9	—
Close	20.4	80.8	84.5	46.6
Close Intermed.	17.7	76.0	85.0	42.9
Solid Intermed.	13.8	63.8	76.4	38.5
Solid	22.2	44.7	86.3	39.9

It is obvious from these figures that the qualitative difference between the Republicans and Democrats in the marginal districts is 69.6. Manifestly the qualitative difference between the voting record of a Democratic representative in those districts which are more strongly Democratic and the attitudes on social issues which might be displayed by a representative of the Republican party in such districts would have to be less than this, and would progressively decrease as the district became more strongly Democratic. It would also appear to be improbable, if not impossible, that the qualitative difference between the attitude of representatives of the two parties could be any greater than this in areas where the Republican party is overwhelmingly strong. The qualitative difference between the two parties in the marginal congressional districts is moreover twenty per cent greater than the qualitative difference between the two parties nationally.

This same inverse relationship is also visible when the congressional districts are classified according to their degree of ruralism or urbanism.[4] These figures are summarized in Table II.[5] It will be observed that the parties are most evenly balanced numerically in the urban congressional districts. Yet it is in these same districts that the parties are furthest apart qualitatively. Similarly, the quantitative differences tend to increase as the districts become more rural while the qualitative differences tend to decrease. The qualitative difference between the parties in the rural districts, which are generally solid districts, is only half the qualitative difference between them in the urban areas.

TABLE II. QUANTITATIVE AND QUALITATIVE DIFFERENCES BY RURAL-URBAN GROUPS

Rural-Urban Group	Number of Congressional Districts	Quantitative Difference	Qualitative Difference
Urban	132	10.6	62.9
Suburban	66	12.4	50.8
Subrural	116	21.3	44.1
Rural	110	31.9	28.8

This relation not only exists for the country as a whole but also holds true for much smaller areas. If only congressional districts outside the eleven states of the South are considered, the same tendency can be observed. In these northern districts the parties are most closely balanced in the suburban rather than in the urban districts. The greatest qualitative differences also occur, however, in the suburban rather than the urban areas. The urban and subrural North have about the same quantitative differences and also about the same qualitative differences. In the rural North, on the other hand, the quantitative difference between the parties is much greater and the qualitative difference correspondingly less. The same phenomenon is also observable if those congressional districts in the border states—Maryland, West Virginia, Kentucky, Missouri, and Oklahoma—are excluded and calculations are limited to the other northern states.

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[4] I am indebted to Mr. Ralph Goldman of the University of Chicago for the basic data on ruralism and urbanism. A ruralism index for each congressional district was computed by Mr. Goldman by counting as rural population units of less than 2,500 people and as urban population units of more than that number, and then calculating the percentage of the total population of the district living in rural units. See Ralph Goldman, "Some Dimensions of Rural and Urban Representation in Congress" (Unpublished M.A. Thesis, University of Chicago, 1948), pp. 39–43, Appendix II. In this article, urban congressional districts are defined as those less than 30% rural, suburban as those 30% to 49.9% rural, subrural as those 50% to 69.9% rural, and rural districts as those 70% or more rural.

[5] It will be noted that the total number of congressional districts is only 424. Throughout this study eleven congressional districts are excluded from all calculations: the 18th New York district because it was represented in both congresses by Mr. Vito Marcantonio of the American Labor Party and the 1st, 2d, 3rd, 5th, 6th, 8th, 10th, 15th, 17th, and 19th California districts because the successful candidates in those districts obtained the nominations of both major parties under California's cross filing law.

If the various sections of the country are considered as separate entities the same inverse relationship again emerges. These data are presented in Table V.[6]

TABLE III. QUANTITATIVE AND QUALITATIVE DIFFERENCES BY RURAL-URBAN GROUPS, NORTHERN DISTRICTS

Rural-Urban Group	Number of Congressional Districts	Quantitative Difference	Qualitative Difference
Suburban	55	6.6	71.3
Subrural	91	8.1	67.5
Urban	124	8.4	66.8
Rural	48	12.8	45.5

From these figures it will be seen that the parties are most evenly balanced numerically in the Pacific coast, New England, and Middle Atlantic regions. It is also in these areas, however, that the parties are furthest apart qualitatively. In the mountain states the quantitative difference is greater and the qualitative difference is less. In the border states the quantitative difference is still larger and the qualitative difference still smaller. Finally in the South the qualitative difference is very small—the Republican party in that area being substantially similar in opinion to the Democratic party—but the quanti-

TABLE IV. QUANTITATIVE AND QUALITATIVE DIFFERENCES BY RURAL-URBAN GROUPS, NORTHERN DISTRICTS EXCLUDING BORDER STATES

Rural-Urban Group	Number of Congressional Districts	Quantitative Difference	Qualitative Difference
Suburban	52	6.7	74.2
Subrural	82	8.5	69.9
Urban	114	8.6	70.4
Rural	28	12.7	—

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[6] The states are classified into sections as follows: New England—Me., N. H., Vt., Mass., R. I., Conn.; Middle Atlantic—N. Y., N. J., Pa., Del.; Border—Md., W. Va., Ky., Mo., Okla.; South—Va., N. C., S. C., Ga., Fla., Ala., Miss., Tenn., La., Tex., Ark.; Midwest—Ohio, Ind., Ill., Mich., Wis., Minn.; Prairie—N. D., S. D., Ia., Neb., Kan.; Mountain—N. M., Ariz., Utah, Colo., Nev., Wyo., Mont., Ida.; Pacific Coast—Calif., Ore., Wash. The quantitative differences are the adjusted percentage pluralities computed from the per cent of the total two party vote for all candidates for Congress in that section received by the majority party in the 1946 congressional elections. Vote statistics are from U. S. Bureau of the Census, *Statistical Abstract of the United States, 1948*, p. 316.

tative difference is very large.[7] The only section which does not clearly fit into this pattern is the Midwest where the qualitative difference between the parties is abnormally large.

No statistical data are available for a qualitative index for the Democratic party in the prairie states. Applying this theory in reverse, however, it is possible to conclude that the qualitative difference between the parties in this region should be less than it is in the border states and greater than it is in the South. Considering the conservatism of the Democratic party in these states this seems like a plausible deduction. The Democratic party in Kansas, for instance, has long been controlled by a conservative faction headed by Harry Woodring. In Nebraska the Mullen-Berry conservative group has generally dominated the party despite opposition from Bryan liberals. In Iowa the key figure among the Democrats has been Senator Guy Gillette who acquired fame, if not notoriety, in 1938 as a target of President Roosevelt's purge and in 1949 as an opponent of Vice-President Barkley's cloture ruling in the civil rights debate. In North Dakota the Democratic party has frequently been the vehicle for conservative elements when they have lost control of the Republican party. Thus, it seems not unreasonable to conclude that the qualitative difference between the parties in the prairie states is as relatively small as the quantitative difference between the parties in that area indicates it ought to be.[8]

TABLE V. QUANTITATIVE AND QUALITATIVE DIFFERENCES BY SECTIONS

Section	Number of Congressional Districts	Quantitative Difference	Qualitative Difference
Pacific Coast	23	.3	74.1
New England	28	.9	66.1
Middle Atlantic	92	1.4	72.1
Mountain	16	2.7	64.4
Midwest	96	3.0	79.9
Border	42	4.6	47.4
Prairie	22	7.8	—
South	105	35.4	24.0

This observed tendency in the variation of qualitative and quantitative differences is also generally characteristic of smaller groupings of congressional districts. In New England, for instance, contrary to the national pattern the quantitative difference between the parties is much greater in the urban areas, where it is 11.3, than in the suburban and subrural areas, where it is 4.4 and 6.0 respectively. The qualitative difference between the parties nevertheless varies accordingly. It is much less in the urban areas, where it is 63.6, than it is in the suburban and subrural areas, where it is 75.9 and 76.5 respectively. In the border states a somewhat similar pattern prevails. The parties are most evenly balanced in the suburban and subrural areas where they are furthest apart qualitatively. They are more unevenly balanced in the urban and rural districts where they are most alike qualitatively. Similarly, for the Pacific coast the parties are more numerically equal in the suburban areas where the qualitative difference is greatest and are less evenly balanced in the urban and subrural areas where the qualitative differences are less. Lack of sufficient data for many areas of the country unfortunately prevents a complete breakdown of urban and rural districts section by section. From what information is available, however, there appear to be no major exceptions to this general tendency on the subsectional level.

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[7] For a description of the qualitative characteristics of the Republican party in the South, see V. O. Key, Jr., *Southern Politics in State and Nation* (New York, 1949), Ch. 13, esp. pp. 289–297.

[8] For the views of one of these conservative prairie Democrats, see Arthur F. Mullen, *Western Democrat* (New York, 1940), pp. 343–360.

This inverse relationship which has been found to be generally prevailing throughout the North also exists in the South. Eighteen congressional districts in the South fall outside the solid Democratic classification. These include three in Tennessee, five in Virginia, nine in North Carolina, and one in Florida. All except four of these districts are located in the Piedmont and Appalachian upland. If our theory is to hold true, the qualitative difference between the parties in this area should be greater than it is elsewhere in the South. Since the conservatism of the Republican party is a fairly constant phenomenon from which the two Republican representatives from eastern Tennessee with a liberalism index of 16.3 show no deviation, this means in effect that the Democratic party must be more liberal in these upland districts than it is in the other parts of the South. This turns out to be exactly the case. The party's index in these districts is 46.2 as contrasted with an index of 39.5 for the rest of the South. This conclusion by way of statistics coincides, moreover, with the empirical observations of persons familiar with the region. Professor Nixon, for instance, has pointed out the existence of relatively strong Republican organizations in this area and has compiled an impressive list of the liberal Democrats which it has produced.[9] This same tendency can also be observed at the state level. The Democratic party in the South is most liberal in Alabama, North Carolina, Tennessee, and Texas. With the exception of Alabama these are also states where the Republican party is relatively stronger than elsewhere in the South.

The evidence presented here thus suggests that in some areas there will be two similar but unequally balanced parties and in others two equally balanced but dissimilar parties. In terms of an interest group analysis this means of course that instead of appealing to all groups the parties will limit their appeal to certain specific groups. They will attempt to win elections by mobilizing a high degree of support from a small number of interests rather than by mustering a relatively low degree of support from a large number of interests.

It is, furthermore, generally in the rural areas that the qualitative differences are low and the quantitative differences high and in the urban and suburban areas that the qualitative differences are high and the quantitative differences low. This phenomenon suggests certain further conclusions as to the nature of the interest group analysis. In any rural area there is usually only one dominant economic interest. Whether this be cotton, corn, wheat, or dairy farming, the economic life of the area is dependent upon that one interest. Consequently both parties in that area reflect that interest. Since, therefore, there are no real differences between the parties the choice of party is determined by non-economic historical and traditional factors. Once this choice has been determined by historical circumstance, there are no conflicts of economic interest to cause it to be altered; the candidates of the same party are continually returned to office; and thus there arises a perpetually dominant party. This is generally the Republican party in the rural North and the Democratic party in the rural South. In these areas the second major party loses its most important characteristic, its monopoly of opposition.[10] In the first place, there is no basic opposition for it to express, and secondly, those personality differences and differences on minor issues which do arise can be settled in the major party's primaries. It is a well recognized characteristic of rural one-party politics that it tends to be based largely on personalities and to follow a "friends and neighbors" pattern.[11] The second major party hence ceases in a very real sense to be a major party and declines to the status of a minor party. Socially and economically it is composed of the same elements which make up the dominant party; politically its principal importance is as a dispenser of federal patronage. This is true of the Democratic party in northern rural districts and of the Republican party in southern rural districts.

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[9] Included in this list are Hugo Black, Ellis Arnall, John Sparkman, Helen Douglas Mankin, Luther Patrick, Estes Kefauver, Albert Gore. H. C. Nixon, "Politics of the Hills," *Journal of Politics*, Vol. 8, pp. 123–133 (May, 1946).

In urban and suburban districts, a different situation exists. Instead of one dominant economic interest there are here two competing economic interests, one composed of middle and upper class, property owning, capitalistic groups, the other composed of lower class, propertyless, laboring elements. The economic conflict between these groups is direct and sharp. Within the narrow confines of a single urban area no party could represent them both. Consequently one party tends to adjust itself to represent one interest and the other party accommodates itself to the other interest; one becomes the party of labor and the lower class and the other the party of business and the upper class. Economic conflict and not tradition determines party loyalties. Since these two conflicting economic interests are generally fairly evenly matched in most urban areas, the two parties likewise become evenly balanced. Naturally there are exceptions: in an overwhelmingly slum area the lower class party will dominate while in a wealthy suburban residential area the upper class party will prevail. Usually, however, upper and lower classes are found together in a relatively restricted area and hence the parties representing them tend towards numerical equality.

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[10] Schattschneider, *op. cit.*, pp. 80–84.

[11] Albert Blumenthal, *Small Town Stuff* (Chicago, 1932), pp. 295–306; Granville Hicks, *Small Town* (New York, 1946), pp. 183–194; Key, *op. cit.*, pp. 37–41, 87–91, 131–135, 223–224, 246–253, 298–311.

As the United States continues to become an increasingly urban country it seems likely that this quantitative-qualitative relation which today is characteristic of the urban and suburban areas must eventually become characteristic of the nation as a whole. Each party's appeals will generally be limited to one major economic class and the groups usually associated with it. The Democratic party will not seriously attempt to win the banker and businessman vote and the Republican party will make little effort to secure the support of labor union members and the unemployed. The parties will strive to win not by converting their opponents but by effectively mobilizing their own supporters, not by extending their appeal but by intensifying it.

A step in this direction was perhaps made in the 1948 election. The Republican party in that campaign made an extensive, general appeal to all groups of the population. According to traditional theory the Democrats should have made a similar appeal, and, as a result of their defeat in the elections of 1946, they should have shifted to the right to regain the support of the voters who had deserted them for the Republicans. Instead, however, the Democratic party moved to the left, eschewed generalities, and made direct, simple, intensive appeals to those groups which were normally Democratic. By doing so, the Democratic party won the election.[12] A year later in the New York senatorial campaign the same trend was evident. Senator Dulles, making a frankly conservative appeal, warned of the dangers of "statism" and received surprisingly large pluralities in conservative rural districts. Former Governor Lehman, espousing the cause of the "welfare state," swept the industrial portions of New York by unexpectedly impressive margins.[13] As long as the law of the inverse relationship of quantitative and qualitative differences continues to operate in American politics, the politicians of both parties will find it increasingly desirable to follow similar tactics in the future.

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[12] See the post-election studies of Elmo Roper, *New York Herald-Tribune*, June 19, 1949, and the Survey Research Center, *A Study of the Presidential Vote: November 1948* (Ann Arbor, 1949).

[13] *New York Times*, November 10, 1949.

THE TURNING-POINT IN POLITICAL PHILOSOPHY

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The two features which characterize the political world after the death of Aristotle are the disappearance of the city-state as a vital force, and the development, within the milieu of empire, of the sense of the individual and his self-sufficiency. In presenting these developments it is the custom to make two observations. The first of these is Aristotle's short-sightedness, or at least his lack of sympathy with the larger vision of world empire and universal humanity. Professor Sabine says, for example, that "If Plato had been as closely associated with Macedonia as Aristotle, he would hardly have failed to perceive the epoch-making importance of the career of Alexander. It is interesting to conjecture what might have happened if it had occurred to Aristotle to consider the hypothesis that the city-state needed to be absorbed into some still more self-sufficing political unit, as it had itself absorbed the family and the village. But this was beyond his power of imagination."[1] And Professor Catlin remarks that "This lack of interest [on Aristotle's part] was . . . a strange distortion of perspective due to the ethical disregard of quantity in the name of quality."[2]

The second observation frequently made by authors considering this period is that the new age slowly introduced a conception alien to the Greek mind, the conception of individual human rights. It is a little curious, perhaps, that the individual should have come to emphasize his "self-sufficiency" just when the whole city-state was losing its sufficiency to the larger, more viable unit of empire; but in any case most students of the subject look upon Aristotle's concern for the city-state as in some way an obstacle to the appreciation of the rights of man. Professor Tarn observes:

> Man as a political animal, a fraction of the *polis* or self-governing city-state, had ended with Aristotle; with Alexander begins man as an individual. This individual needed to consider both the regulation of his own life and also his relations with other individuals who with him composed the "inhabited world"; to meet the former need there arose the philosophies of conduct, to meet the latter certain new ideas of human brotherhood.[3]

How Professor Tarn regards Aristotle's division of moral philosophy into Ethics, Economics and Politics, the first of which considers individual human conduct, it is not entirely easy to understand. But in common with many others, Professor Tarn evidently looks upon the new interest in the individual man as introducing to western civilization the idea of a higher law which bears fruit centuries later in the doctrine of the rights of man. This is of course the view of Carlyle, who is possibly most responsible for its propagation among later students of political thought. Professor Carlyle's statement is that "There is no change in political theory so startling in its completeness as the change from the theory of Aristotle to the later philosophical view represented by Cicero and Seneca;" for it is here that "we are indeed at the beginnings of a theory of human nature and society of which the 'Liberty, Equality and Fraternity' of the French Revolution is only the present-day expression."[4]

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[1] George H. Sabine, *A History of Political Theory* (New York, 1937), p. 126.

[2] George Catlin, *The Story of the Political Philosophers* (New York and London, 1939), p. 105.

[3] W. W. Tarn, *Hellenistic Civilization* (London, 1927), p. 69.

But if scholars agree that a turning point in the history of political thought occurs here, and that it involves a new conception of natural law, there has been an inadequate effort to understand with any exactness in what this turning point consisted. There are to be found, certainly, many dicta to the effect that a new doctrine of the equality of men is for the first time introduced; that for the first time men understand the state in terms of law and do not, like the Greeks, understand law in terms of the state; that there is a new sense of human brotherhood and benevolence. The ambiguity of these dicta is manifest if we recall that, with regard to the first, Aristotle puts "man" as one of the five differentiae in his definition of the "natural slave"; with regard to the second, Aristotle's division of states into good and bad is in terms of their conformity or lack of conformity with the general principles of natural law; with regard to the third, after remarking that friendship seems to exist even among birds and most animals, Aristotle says that "it is felt . . . especially by men, whence we praise lovers of their fellowmen. We may see even in our travels how near and dear every man is to every other."[5]

One would be tempted to assign as a reason for the obscurity in the presentation of this portion of the history of political philosophy the fact that later Stoicism, as represented by Panaetius and Cicero, was modified in a superficial way by the inclusion of ideas drawn from Plato and Aristotle.[6] One would be tempted to assign this reason were it not for the fact that what is insisted upon in the presentation of the development of political ideas in this period is precisely the complete break with the past. And clearly, if a new theory of natural law arises between the death of Aristotle and Cicero, its novelty is not to be looked for in its revision through a return to ideas drawn from Plato and Aristotle. It seems, therefore, that the task remains of isolating, if possible, the distinctive features of the new natural law doctrine from the ambiguities of the post-Aristotelian philosophies of conduct.[7]

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[4] R. W. Carlyle and A. J. Carlyle, *A History of Medieval Political Theory in the West* (Edinburgh and London, 1930), Vol. 1, p. 9.

[5] *Ethics*, Bk. VIII, Ch. 1, 1155a, 20.

[6] Professor Carlyle admits this difficulty but then, it seems, "ventures to think" that it is not one: "There can be little doubt that . . . we find Cicero . . . speaking under the influence partly at least of the Aristotelian principle of the fundamental distinction in human nature. . . . But we venture to think that such passages do not . . . weaken the effect of those which we have already discussed." *Op. cit.*, Vol. 1, p. 12.

[7] Not only is it necessary to isolate the new doctrine from the matrix of old classical Greek ideas, but it is necessary to see that the very formality of the new doctrine is grasped completely only against very important elements of classical Greek philosophy. Professor Cassirer, for example, is one of the very few who has not lost himself in ambiguities on this question, but he seems to have been quite unmindful of the necessity, if the full significance of the new doctrine is to be made manifest, of seeing it precisely in its *differences*. See his *The Myth of the State* (New Haven, 1946), pp. 100–105.

There are two paradoxical considerations worthy of attention at the outset. One is that if Aristotle was unable to see that the future lay with a larger, more self-sufficing political unit than the city-state, he did not fail to look upon the common good of the whole universe as that to which all things are ordered. He writes:

> We must consider also in which of two ways the nature of the universe contains the good and the highest good, whether as something separate and by itself, or as the order of the parts. Probably in both ways, as an army does; for its good is found both in its order and in its leader, and more in the latter; for he does not depend on the order, but it depends on him. And all things are ordered together somehow, but not all alike—both fishes and fowls and plants; and the world is not such that one thing has nothing to do with another, but they are connected. For all are ordered together to one end. . . . "[8]

The other paradoxical consideration is that the new concepts of universal humanity and empire, although seeming to demand a broader or loftier conception of common good, were in fact accompanied by philosophies which emphasized the primacy of the individual person. For if we examine the post-Aristotelian philosophies of conduct and inquire how man saw himself in the great world of the empire, we will find that he looked upon himself as an independent whole, and sought to establish himself as a self-sufficient being. These paradoxes suggest to us that, granting Aristotle was less conscious of the "rights of man" than he was of the *polis*, he was nevertheless mindful of them to some extent; for in view of his concern with the common good of the entire universe we must suppose that the reason for his preferring the *polis* to the wider unit of empire lay in his observation, just referred to, that "all things are ordered together somehow, but not all alike": the ordering takes into consideration the exigencies and rights of the natures that are ordered. Now in that very same passage in which he says that the world is not such that one thing has nothing to do with another but that all things are ordered together somehow, he observes that this ordering together of all things in the universe

> is as in a house, where the freemen are least at liberty to act at random, but all things, or most things are already ordained for them, while the slaves and the animals do little for the common good, and for the most part live at random.[9]

We must notice that in this analogy the separate substances—the pure intelligences—are to the universe what freemen are to the house, and man is compared to the separate substances as the slave in the house is to the freeman. If, as Aristotle says in the first book of his *Politics*, there are some men who are "natural slaves," all men, by reason of the whole of human nature are in a condition of bondage as compared to perfect intellectual creatures—the separate substances. And indeed, at the very beginning of the *Metaphysics* Aristotle remarks: "the possession of wisdom might be justly regarded as beyond human power; for in many ways human nature is enslaved."[10] Now the slave lived principally on the margin of society, lived, as Aristotle remarks, for the most part at random. Was it not Aristotle's opinion that in the milieu of empire men would live at random on the margin of society, contributing little or nothing to the common good, all readily victimized by the common slavery to which the whole of human nature is subject? It is in any case a most remarkable fact that this random freedom was the most characteristic expression of the philosophies of conduct that succeeded Aristotle.

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[8] *Metaphysics*, Bk. XII, Ch. 10, 1075a, 12.

[9] *Ibid.*, Ch. 10, 1075a, 20.

[10] *Ibid.*, Bk. I, 982b, 20.

Whatever their differences, all the philosophies of conduct after Aristotle had as their basis the doctrine that man ought to be completely self-sufficient and independent. The "Apathia" of the Stoics was a kind of elevated immobility; the pleasure of Epicureans consisted mainly in the rejection of the cares of public life and the avoidance of pain, worry, and anxiety; Cynicism was also a philosophy of revolt and escape to a curious self-sufficiency amounting to self-annihilation; everything but "moral character" was a matter of indifference, but the things which the Cynics included as indifferent—marriage, the family, property, citizenship—were strangely the things that test moral character. Professor Catlin's description of Stoicism suitably suggests the character of all the post-Aristotelian philosophies of conduct. He writes:

> Stoicism . . . asserted as central in its philosophy that Man, as autonomous in his Will, was master of his soul and hence captain of his fate. The right to suicide—in the final need, the right to turn the keys of the portals of death—was at once a theoretical concession and a practical corollary . . . the resolve to do nothing save on one's own moral choice and at one's own will, was the core of the philosophy.[11]

It is worth inquiring into the root notion here involved. It had been, it seems, Aristotle's opinion that happiness, because it is the good of an intellectual nature, cannot be true and perfect except in those in whom the intellectual nature is perfect, namely, in the separate substances.[12] For man there is a certain participated and imperfect happiness, as he is the least of intellectual creatures. But it was Aristotle's teaching, that, with regard to both the intellectual and moral virtues, man should strive to attain a divine similitude. According to St. Thomas, Aristotle even allows that the political virtues may be so perfecting and perfect as to bring man to this divine similitude; from being merely political virtues they become "perfecting" and "perfect in this, that the virtues of those who have attained to perfect beatitude are without passion."[13] But it is a divine similitude that man reaches, not an identity. For Aristotle, God alone "rejoices by one simple act;" for man, on the contrary, happiness necessarily entails change.[14] Now the condition of bondage of the intellectual nature as it is in man, together with the contrariety of the sense and reason, produces in man a tendency to revolt and escape: we will be as gods, declare our independence and self-sufficiency by appealing to a "higher law" by which all men are reasonable and good. It is understandable how this higher law would be conceived as the reason of the universal man, the measure of all things. There is nothing better than this man, the citizen of the world, in no bondage whatever: Greek and barbarian, slave and free—they are all gods, not indeed by the "givenness" of things, but by the judgment of Man, which depends solely upon a free act which creates a world of its own.

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[11] *Op. cit.*, p. 114.

[12] *Ethics*, Bk. I, Ch. 10, 1101a, 18.

[13] *Summa Theologica* I–II, Q. 61, Art. 5.

[14] *Ethics*, Bk. VII, Ch. 14, 1154b, 26.

Is not the Stoic principle of the *"autarky"* of human reason, its autonomy and self-dependence, curiously unlike everything that Aristotle had to say about man, whom he regarded as the most dependent and uncertain of intellectual creatures? Does not the law of nature in the Stoic conception strangely free the *form* of human life from all conventional determinations? I say "strangely" in the light of Aristotle's observation that the positive law (and the whole body of custom) are originally matters of indifference, but when once laid down are not matters of indifference.[15] For Aristotle, the *form* of human life is made determinate and complete through (good) acts, habits, laws and institutions. The Stoic conception of the *autarky* of human reason demands a natural law that is a "higher law" in the sense that the universal man is the measure of all things: the natural law "binds" only in ensuring the free act of man which creates a world of its own. In what else, indeed, is the Stoic conception of the equality of all men grounded? Stoicism did not deny the reality of physical, moral, and intellectual differences; and on the other hand, Aristotle's definition of the natural slave has "man" as one of its five differentiae.[16] Thus the Stoic doctrine of the equality of all men consists very precisely in a self-dependent reason which does not in any sense "find" the laws of nature but is itself the source of the laws of nature.

The things thus far said about the new doctrine of natural law receive a very striking confirmation in the appearance among the Romans of a quite new virtue—the virtue of *"humanitas."* Professor Cassirer has written:

> If we study the classical works of Greek ethics, for instance Aristotle's *Nicomachean Ethics*, we find there a clear and systematic analysis of the different virtues, of magnanimity, temperance, justice, courage, and liberality, we do *not* find the general virtue called "humanity" (*humanitas*). Even the term seems to be missing from the Greek language and literature. The ideal of humanitas was first formed in Rome; and it was especially the aristocratic circle of the younger Scipio that gave it its firm place in Roman culture. Humanitas was no vague concept. It had a definite meaning, and it became a formative power in private and public life in Rome. It meant not only a moral but also an aesthetic ideal; it was the demand for a certain type of life that had to prove its influence in the whole of man's life, in his moral conduct as well as in his language, his literary style, and his taste."[17]

But what exactly was this virtue of *humanitas* which Professor Cassirer says "was no vague concept?" We may best understand its meaning if we inquire, as Professor Cassirer observes, why the term was missing not only from Aristotle but from the whole of Greek language and literature. Aristotle says in the *Ethics* that if man were the best thing in the universe, then political science and prudence, not Wisdom, would be the most perfect knowledge. But the most perfect knowledge is rather of the highest objects—"of the highest objects, we say; for it would be strange to think that the art of politics or practical wisdom, is the best knowledge, since man is not the best thing in the world."[18] Now we have already adverted to Aristotle's saying that the possession of Wisdom is in a way beyond human power, for the nature of man is in many ways in bondage. The speculative life is not as proportionate to human nature as is the practical life; " . . . such a life would be too high for man; for it is not insofar as he is man that he will live so, but insofar as something divine is in him. . . . But we must not follow those who advise us, being men, to think of human things, and being mortal, of mortal things, but must so far as we can . . . strain every nerve to live in accordance with the best thing in us; for even if it be small in bulk, much more does it in power and worth surpass everything."[19] The important thing to notice is that in Aristotle's opinion the better part of man is in him the weakest; and his "humanity"—the things most proportionate to his human nature—is at once the strongest thing in him and the less good part. Now the Roman virtue of *humanitas* could be cultivated only where man was indeed considered the best thing in the universe; *humanitas* precisely emphasized those elements in man that are most proportionate to his nature; and because practical knowledge, as Aristotle observes, has to do with all things operable by man, the virtue of *humanitas* included, as Professor Cassirer remarks, not only a moral but an aesthetic ideal. When Professor Cassirer says that *humanitas* was a demand for a certain type of life that had to prove itself in the whole of man's life, in his moral conduct as well as in his language, his literary style, and his taste, he very rightly and significantly omits any reference to the life that is "too high for man". Can we fail to be startled by the oversights in the histories of political thought when we consider that it was Aristotle who, reputed to have submerged the individual in the *polis*, insisted on a wisdom for man higher than that of the state; and that among the Romans, reputed to have engendered a doctrine salvaging the individual man, political sicience and prudence came to hold the highest place?

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[15] *Ethics*, Bk. V, Ch. 7, 1134b, 20.

[16] *Politics*, Bk. I, Ch. 3, 1254a, 16.

[17] *Op. cit.*, pp. 101–102.

The considerations which we have been examining bring us in full range of the new natural law doctrine. It stands certainly in bold contrast with the whole of the Aristotelian ethic—indeed with the whole of Aristotle. But the scholars who have signaled this new turn in the development of political thought do not quite take it to be what we have suggested it is. They do not see clearly in what way it does indeed differ from Aristotle because they are satisfied to accept the incoherencies of late Stoicism as an indication of a new contrary element without attempting to overcome the ambiguity of the incoherence itself. The result is that the distinctive features of the new natural law doctrine are not grasped, and that which remains is quite simply a poor and inaccurate statement of old Aristotelian doctrines with their edges dulled.

But if the subtleties of antique philosophy—and of Christian theology[20]—have veiled from scholars the precisions inherent in the new doctrine, the bold and clear drawing forth of these precisions in the revived Stoicism of the seventeenth century theoreticians and in the eighteenth century "natural right" theories should have left no doubt about them; especially so since it is widely admitted, as we have seen Carlyle say, that the change in the theory of Aristotle to that of Cicero "is the beginning of a theory of human nature and society of which the 'Liberty, Equality and Fraternity' of the French Revolution is only the present-day expression".[21] Now whether we consider Hobbes or Grotius or Althusius or Lipsius, all the seventeenth century theoreticians under the inspiration of Stoicism revive a theory of human nature and society whose cardinal principle is the *autarky* of human reason. Professor Sabine, speaking of Grotius, remarks that "the surpassing importance of this [his] theory of natural law was not due to the content which Grotius attributed to it. . . . The importance was methodological. . . . It was essentially an appeal to reason, as the ancient versions of natural law had always been, but it gave a precision to the meaning of reason such as it had not had in an equal degree in antiquity."[22] And Professor Cassirer observes that this special character of seventeenth century political philosophy becomes clear "if, instead of analyzing its first principles, we look at its general method."[23] And what is this method? Professor Cassirer continues:

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[18] *Ethics*, Bk. VI, Ch. 7, 1141a, 20.

[19] *Ibid.*, Bk. X, Ch. 7, 1177b, 26-35.

[20] It is beyond the intention of this paper to speak of the relation of Stoic ideas to Christian doctrine, but it is necessary to point out that the quite crude identification of Stoic principles with Christian doctrine is part of the impossible ambiguity in which this

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period in political philosophy is shrouded. It should be clear that if we isolate out of the incoherence of later Stoicism the formality of its point of view, by which it distinguishes itself from Aristotle, then the substance of the Stoic doctrine is the self-dependence of the reason of the universal Man, whose dignity consists in the very affirmation of his complete self-dependence. And this of course is clearly against the whole burden of the Christian message. It is true that St. Augustine and the other Church Fathers were greatly affected by their reading of the Stoics, and particularly of Cicero, but it must be remembered that Cicero's literary exposition of Stoic ethical teaching already reflects the revision of Stoicism back in the direction of Plato and Aristotle. When St. Thomas Aquinas, in the thirteenth century, comes to write his treatise on the moral virtues he does two significant things: first, he cites St. Augustine's opinion that the Stoics and Peripetetics differ more in word than in opinion (which would be quite true of the revised Stoicism), and then he goes on to show that the verbal difference is nonetheless rooted in a real inadequacy of analysis. *Summa Theologica*, I–II, Q, 59, Art. 2. The Stoic position on the role of passion in virtue is capable of a correct understanding, but the best way of understanding it correctly is by making use of Aristotle's *Ethics*. Similarly the Stoic doctrine of the fundamental equality of men is verbally good, but Aristotle's doctrine of the fundamental equality of men has the advantage of being intelligible. And it is instructive to observe that when St. Thomas Aquinas treats of the virtues which relate to Justice, he interprets the Roman virtue of *humanitas*—which is perhaps the most finished expression of the substance of the new natural law doctrine—not in its characteristically Stoic meaning but in the sense of Aristotle's *friendship. Ibid.*, II-II, Q. 80. Finally, the Scriptures themselves make clear how different from the Roman virtue of *humanitas* was the Christian message:

> Apparuit benignitas, et humanitas
> Salvatoris nostri Dei: non ex operibus
> justitiae, quae fecimus nos, sed secundum
> suam misericordiam salus fecit.
>
> Titus 3, 4–5.

[21] *Op. cit.*, Vol. 1, p. 9.

[22] *Op. cit.*, p. 425.

[23] *Op. cit.*, p. 172.

> The doctrine of the state-contract becomes in the seventeenth century a self-evident axiom of political thought . . . this fact marks a great and decisive step. For if we adopt this view, if we reduce the legal and social order to free individual acts, to a voluntary contractual submission of the governed, all mystery is gone. . . . If we can trace the state to such an origin, it becomes a perfectly clear and understandable fact.[24]

It may seem curious that the idea of contract be employed to express a natural relation. However, the secret of its appropriateness is to be found in the fact that the naturalism of this political philosophy demanded an innate social propensity which could be raised to the level of a sufficient explanation of social groupings in such a way as to leave no law to be observed which in any sense is imposed from without, but to leave only a "natural law" which the moral subject gives to itself. And nothing is better designed to express this kind of naturalness than the idea of contract. This is evidently what Professor Sabine intends to express when he says that the importance of Grotius' natural law doctrine was not its content but its "methodology": that it gave a precision to the meaning of reason such as it had not had in an equal degree in antiquity.

We have called attention earlier to Aristotle's remark that the life of the speculative reason is "too high for man." In consequence there is in man a tendency to accord primacy to what Aristotle called the practical reason, the reason that is concerned with human things, with morals and art. Now in practical knowledge, insofar as it is practical and prescinding from its dependence on the speculative reason, the intelligence is the measure of its object—for the practical intelligence "operates" on its object. The "precision" which is given to reason by the seventeenth century theoreticians is the independence that is recognized for it from the "givenness" of things. It will no longer need in any sense to "find" the nature of man and of society: it will make a world of its own. And this is what Professor Cassirer means when he says that the rejuvenation of Stoic ideas restored man to his "ethical" dignity: the dignity is "ethical" in the sense that it comes not from the worth that man can by his nature achieve, but simply from the worth that man attributes to himself. Man need no longer trouble himself about the metaphysical riddles of the universe. He has within himself a better promise; the limit of his personality is set only by his *judgment* concerning his moral worth.

If we ask ourselves where we may find the most careful, profound and extensive development of these ideas in modern political philosophy our answer will not direct us to French, English or American ideas, but to the great German philosophical revolution of the nineteenth century and its outcome. While David Hume's attack on the whole idea of natural law sought to destroy any absolute moral value and ultimately set English and American democratic thought off the course of the natural right theories, Immanuel Kant, accepting Hume's analysis, saved the essential notion of the *autarky* of human reason. Of course there is no law in nature, so Kant stated, but the human reason has shown by its scientific constructions that it is itself the source of the laws of nature: "The understanding does not draw its laws from nature but prescribes them to it."[25] And in a remarkable passage Hegel shows the truest insight into the real character of the ideas of the Enlightenment:

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[24] *Ibid.*, pp. 172–173.

> These general conceptions . . . —the Laws of Nature and the substance of what is right and good—have received the name of Reason. The recognition of the validity of these laws was designated by the term *Eclaircissement.* From France it passed over into Germany, and created a new world of ideas. The absolute criterion—taking the place of all authority based on religious belief and positive laws of Right . . . is the verdict passed by Spirit itself on the character of that which is to be believed or obeyed. . . . It may however be remarked that the same principle obtained speculative recognition in Germany, in the *Kantian* philosophy. . . . This is a vast discovery in regard to the profoundest depths of being and Freedom. The consciousness of the Spiritual is now the essential basis of the political fabric, and *Philosophy* has thereby become dominant. It has been said that the *French Revolution* resulted from Philosophy, and it is not without reason that Philosophy has been called "Weltweisheit" (World Wisdom); for it is not only Truth in and for itself, as the pure essence of things, but also Truth in its living form as exhibited in the affairs of the world. . . . The conception, the idea of Right asserted its authority *all at once,* and the old framework of injustice could offer no resistance on its onslaught. A constitution, therefore, was established in harmony with the conception of Right, and on this foundation all future legislation was to be based. Never since the sun had stood in the firmament and the planets revolved around him had it been perceived that man's existence centres in his head, i.e. in Thought, inspired by which he builds up the world of reality. . . . This was accordingly a glorious mental dawn. All thinking beings shared in the jubilation of this epoch. Emotions of a lofty character stirred men's minds at that time; a spiritual enthusiasm thrilled through the world, as if the reconciliation between the Divine and the Secular was now first accomplished."[26]

If then the change in the theory of Aristotle to that of Cicero is the beginning of "a theory of human nature and society of which the 'Liberty, Fraternity, and Equality' of the French Revolution is . . . the present-day expression," it seems also clear that the Kantian ethic and subsequently the Hegelian concept of the "Sacred Ego" were its most serious and profound nineteenth century expressions. And we are familiar enough with the development of these same ideas in the hands of Feuerbach and Marx. If what Hegel objected to in Kant was that his philosophy provided a merely subjective idealism incapable of a philosophy of the real, historical world (for it was precisely the "rational" and the "real" that needed identifying), we must notice also that what Marx objected to in Hegel was that his philosophy provided a merely speculative solution of the rational and the real, and that what was needed was a practical solution. This transition has been brilliantly described in a very profound study, the *De la Primauté du Bien Commun,* by Professor Charles de Koninck. He writes:

> Marx saw clearly the sterility of (the Hegelian dialectic). The study of nature can never renounce the primacy of sensible experience. The pretensions of the idealist deduction are merely 'the hypocritical volts of speculation, which constructs a priori'. . . . But Marx wanted as much from nature as did Hegel, but he was not content with a purely phenomenal conquest; he wanted a practical conquest. And indeed, no other kind is possible. Nature, as something in itself, as an object which escapes our domination, represents

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[25] Kant, *Prolegonema,* Sec. 36. [26] *Philosophy of History* (London, 1894), pp. 460–466.

> for Marx a foreign force. All that is properly of nature is an obstacle, but a necessary and useful obstacle; the thing in itself needs to be turned into a thing by us and for us. The idealist dissolution is bad not because it is a dissolution; it is bad because it lets the things of nature subsist under the pretext that they are ours at least as objects. This is an illusion. The idealist dialectic hesitates before the concrete, practical destruction which is demanded for the conquest of extraneous forces. . . . This is what Marxism owes to the Hegelian philosophy: the power of dissolution, but pushed to its limit.[27]

The development appears remarkably clear: it is linear, from the "self-sufficiency" of the early post-Aristotelian philosophies of conduct and the Stoic doctrine of the *autarky* of the human reason, to the revival of Stoicism in the seventeenth century theoreticians and the "natural right" theories, to the Kantian "universally legislating will," the Hegelian "Sacred Ego," and the practical conquest of every power extraneous to man in Marx's conception of the "reign of liberty" where "human power . . . is its own end."[28] There is a great deal to be said for the claim of Russian political philosophers that Marxism is the last phase of the democratic process. We are today aware of the terror and threat of terror from a "people's democracy." But for long we have remained unaware of its roots and even of some of its concrete manifestations. We have said, for example, that atomic energy is capable of being put to good use as well as bad; and of course that is quite true. But we have failed to see a significant thing, namely, that the philosophy of nature is profoundly part of that social philosophy which seeks the total emancipation of man through the total destruction of nature. With a clairvoyance that is truly astounding, Heinrich Heine described the future terrible army that has come openly to menace the whole world. In reading the following passage we must keep the fact in mind that Marx and Russia are of course the heirs of the German philosophical revolution of the nineteenth century.

> . . . when it was observed that young Germany, absorbed in metaphysical abstractions, had become unfit for practical life, well might patriots and friends of liberty feel a righteous indignation against philosophy, whilest some of them went the length of utterly condemning it as a vain and profitless pursuit of shadows.
>
> We shall not commit the folly of seriously confuting these malcontents. German philosophy is an important fact; it concerns the whole human race, and only our latest descendants will be in a position to decide whether we are to be praised or blamed for having first worked out our philosophy and afterwards our revolution. . . . Give yourselves no anxiety however, ye German Republicans; the German revolution will not prove any milder or gentler because it was preceded by the 'Critique' of Kant, by the 'Transcendental Idealism' of Fichte, or even by the Philosophy of Nature. These doctrines served to develop revolutionary forces that only await their time to break forth and to fill the world with terror and with admiration. Then will appear Kantians as little tolerant of piety in the world of deeds as in the world of ideas, who will mercilessly upturn with sword and axe the soil of our European life in order to extirpate the last remnants of the past. There will come upon the scene armed Fichteans whose fanaticism of will is to be restrained neither by fear nor by self-interest; for they live in the spirit; . . . . But most of all to be feared would be the philosophers of nature were they actively to mingle in a

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[27] Charles de Koninck, *De la Primauté du Bien Commun* (Quebec, 1943), pp. 164–166.

[28] *Capital* (translated from the German ed. of Ernest Untermann, Chicago, 1909), Vol. 3, p. 954.

> German revolution, and to identify themselves with the work of destruction. For if the hand of the Kantian strikes with strong unerring blow, his heart being stirred by no feeling of traditional awe; if the Fichtean courageously defies every danger, since for him danger has in reality no existence;—the Philosopher of Nature will be terrible in this, that he has allied himself with the primitive powers of nature. . . . Smile not at my counsel, at the counsel of a dreamer, who warns you against Kantians, Fichteans, Philosophers of Nature. Smile not at the fantasy of one who foresees in the region of reality the same outburst of revolution that has taken place in the region of intellect. The thought precedes the deed as the lightning the thunder. German thunder is of true German character; it is not very nimble, but rumbles along somewhat slowly. But come it will, and when ye hear a crashing such as never before has been heard in the world's history, then know that at last the German thunderbolt has fallen. At this commotion the eagles will drop dead from the skies and the lions in the farthest wastes of Africa will bite their tails and creep into their royal lairs. There will be played in Germany a drama compared to which the French Revolution will seem but an innocent idyl. . . . And the hour will come. As on the steps of an amphitheatre, the nations will group themselves around Germany to witness the terrible combat. I counsel you, ye French, keep very quiet, and, above all, see that ye do not applaud. We might readily misunderstand such applause, and, in our rude fashion, somewhat roughly put you to silence. For, if formerly in our servile, listless mood we could often times overpower you, much easier were it for us to do so in the arrogance of our newborn enthusiasm for liberty. Ye yourselves know what, in such a case, men can do; and ye are no longer in such a case. Take heed, then! I mean it well with you; therefore it is I tell you the bitter truth.
>
> As ye are, despite your present romantic tendency, a born classical people, ye know Olympus. Among the joyous gods and goddesses, quaffing and feasting of nectar and ambrosia, ye may behold one goddess, who, amidst such gaiety and pastime, wears ever a coat of mail, the helm on her head and the spear in her hand. She is the goddess of Wisdom.[29]

It is remarkable that in the twentieth century the force of these ideas rather than of others is moving civilization toward the goal of one world; yet it is probable that never before in history has life itself seemed so random a thing and existence so marginal and insecure. We will recall Aristotle's saying that the slave lives on the margin of Society, enjoying a random freedom. That which Aristotle says is true for the "natural slave" appears true today for the whole of human nature, of which we must not forget Aristotle's observation that it is itself "in many ways in bondage." And the whole world itself, subject to man for the first time for its very existence, takes on the aspect of the margin of civilization.

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[29] Heinrich Heine, *Religion and Philosophy in Germany* (London, 1891), pp. 158–162.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES[1]

COMPILED BY DAVID FELLMAN

University of Wisconsin

POLITICAL PHILOSOPHY AND PSYCHOLOGY

John T. Amendt; B.S., Loyola University of Los Angeles, 1946. The Effect of Humanism on Political Thinking in America after the Civil War. *Georgetown.*

Theodore Stevenson Baer; A.B., Harvard, 1947; A.M., *ibid.*, 1948. The Methodology of Max Weber; A Critique. *Harvard.*

William M. Barr; Litt. B., Rutgers, 1928; A.M., Columbia, 1936. The Philosophy of Woodrow Wilson. *Columbia.*

Ross Crates Beiler; A.B., Allegheny, 1937; A.M., Iowa, 1940. Surveys of Political Behavior by Students in Course. *Iowa.*

Charles Blitzer; A.B., Williams, 1946; A.M., Harvard, 1948. The Political Theory of James Harrington. *Harvard.*

Joan V. Bondurant; A.B., Michigan, 1942; B.Mus., Michigan, 1942. The Socio-Political Technique of Non-Violent Action as Developed by Mohandas K. Gandhi. *California* (Berkeley).

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[1] Similar lists have been printed in the REVIEW as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX, 713 (1935); XXX, 811 (1936); XXXI, 772 (1937); XXXII, 796 (1938); XXXIII, 732 (1939); XXXIV, 767 (1940); XXXV, 752 (1941); XXXVI, 734 (1942); XXXVII, 706 (1943); XXXVIII, 766 (1944); XXXIX, 779 (1945); XL, 775 (1946); XLI, 754 (1947); XLII, 759 (1948); XLIII, 787 (1949).

Items which appeared in the August, 1949, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1949 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only.

The lists printed in the REVIEW are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Check List of Current Researches in Public Administration Reported to the Committee on Public Administration, Social Science Research Council" (mimeographed, most recent edition, January, 1943); "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review;* "List of Doctoral Dissertations in History Now in Progress," formerly published by the Division of Historical Research, Carnegie Institution of Washington, but since the 1938 issue as a supplement to the *American Historical Review;* and "Higher Degrees in Sociology," in the *American Journal of Sociology.* Usually one list is published each year. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Edward A. Henry's "Doctoral Dissertations Accepted by American Universities, 1948–1949," the sixteenth of a series beginning in 1933–34, compiled for the Association of Research Libraries. Consult, for other lists, T. R. Palfrey and H. E. Coleman, Jr. "Guide to Bibliographies of Theses, United States and Canada" (Chicago, American Library Association, 2nd ed., 1940).

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George Figures Brasington. Jr.; A.B., Emory, 1947; A.M., *ibid.*, 1948. Representative Government in Jacksonian Political Philosophy. *Illinois.*

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Richard Eugene Curl; A.B., Ohio State, 1939; A.M., *ibid.*, 1940. Public Opinion and the Atomic Energy Act of 1946. *Princeton.*

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Susan H. Devine; A.B., Kansas City, 1938; A.M., *ibid.*, 1940. The Political and Social Philosophy of Herbert Hoover. *Pennsylvania.*

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NEWS AND NOTES

PROFESSIONAL CONFERENCES AND INSTITUTES

The American Society of International Law held its forty-fourth annual meeting in Washington, D. C., April 27–29. The program for the meeting on the general theme, "World Security and International Law at Mid-Century," included four panel discussions, as well as several formal addresses by distinguished authorities in international law and international relations. The panel discussions were devoted to the following general topics: "World Security and Regional Arrangements," "Freedom of Communication across National Frontiers," "Strengthening the United Nations," and "New Developments in Recognition." "International Law at Mid-Century" was the subject of the presidential address, by Manley O. Hudson. Professor Hudson was reëlected as president of the Society for the coming year, and Secretary of State Dean G. Acheson was reëlected as honorary president. Other officers reëlected by the Society included Philip C. Jessup, Edwin D. Dickinson and George A. Finch, vice-presidents.

The third annual meeting of the Pacific Northwest Political Science Association was held April 15 and 16 at the University of Washington, Seattle. Approximately seventy-five members of the Association, representing institutions in British Columbia, Idaho, Oregon, Utah and Washington, attended the meeting. The program included round tables devoted to the topics, "How Do We Stand in Europe Today?" "The Responsibility of Administration," "Power—Was Acton Right?" and "Rival Governments." "Federal Administrative Pathology and the Separation of Powers" was the subject of the presidential address by Charles McKinley of Reed College. George H. Sabine of Cornell University attended the meeting as the official representative of the American Political Science Association and delivered an address entitled "Free Societies and Free Men." The program also included a panel discussion on regional economic development, in which George A. Shipman of the University of Washington, Roy A. Bessey of the United States Department of the Interior, and Charles W. Hodde, Speaker of the Washington State House of Representatives, were participants. Officers elected at the meeting were: Claudius O. Johnson of the State College of Washington, president; E. S. Wengert of the University of Oregon, vice-president; J. R. Cunningham of Whitman College, secretary-treasurer; and the Reverend Maurice A. Meagher, S.J., of Gonzaga University, and George V. Wolfe of the College of Idaho, members of the Executive Council. The next meeting of the Association will be held in the spring of 1950 at the University of Oregon.

The Midwest Conference of Political Scientists held its eighth annual meeting April 21–23, 1950, at the University of Michigan, with a registered attendance of 244. Round table discussions were held on these topics: "Problems of Democracy under Occupation," "State Reorganization Problems," "New Aspects of International Politics," "Political Theory Today: How Does It Relate to Research?" "What Role Should the Political Scientist Play in the Field of Judicial Administration?" "State Labor Relations Legislation," and "Current Issues in Municipal Finance." Also featured on the program was an address by Francis Russell, director of the Office of Public Affairs, United States Department of State. Ralph E. Himstead, general secretary, American Association of University Professors, was the principal speaker at a session on the topic "Academic Freedom and the Political Scientist." Officers elected at the meeting included: Charles M. Kneier of the University of Illinois, president; David Fellman of the University of Wisconsin, vice-president; and J. K. Kingsbury of Indiana University and Tibor Payzs of the University of Detroit, members of the Executive Council. The 1951 meeting of the Conference will be held at the University of Minnesota.

The third annual conference of the Northern California Regional Political Science Association was held at San Francisco State College April 22, with approximately 100 members of the Association in attendance. The program was devoted in part to a discussion of the California gubernatorial campaign of 1950, and in part to a symposium entitled "The 'Equal but Separate' Doctrine in Cases on Education and Transportation now before the Supreme Court." Walter H. C. Laves, deputy director general of UNESCO, addressed the conference on the topic "The Social Sciences and UNESCO." Officers elected by the Association for the ensuing year were: Donald M. Castleberry of San Francisco State College, president; Robert Walker of Stanford University, vice-president; George Lipsky of the University of California, secretary-treasurer; and Roy Archibald of San Mateo Junior College, Joseph Rupley of the Bureau of the Budget, and Mervin Slosberg of San Francisco City College, members of the Executive Council.

The third Inter-American Congress of Municipalities met in New Orleans, Louisiana, May 1–5, with an attendance of nearly 200 municipal officials and other specialists in municipal affairs from the twenty-two countries of the Western Hemisphere. The program of the Congress was focused upon the problems of housing, planning, traffic and intergovernmental relations in the Western Hemisphere. At the closing session, the delegates adopted a resolution reaffirming their belief that self-governing municipalities, endowed with broad powers of political, administrative and fiscal self-determination, constitute the most reliable single bulwark of constitutional democracy and freedom under law. In another resolution the delegates called for the financing of local services as far as possible from revenues secured from taxes levied by the local governments themselves. The next Congress is to be held in 1952 in Montevideo, Uruguay. Officers for the next two years include Mayor deLesseps S. Morrison of New Orleans, president, and Dr. Carlos Moran, secretary-general. The secretariat, known as the Comision Panamericana de Cooperacion Intermunicipal, has its offices at Obispo 351, Depto. 604, La Habana, Cuba. Membership in the organization is open to cities, municipal officials, organizations of municipalities, and the national governments of both American continents, The United States National Commission for UNESCO held its eighth semi-annual meeting in Washington, D. C., April 13–15. One of the features of the meeting was the launching of a nation-wide discussion program on the topic, "Food and People." This project has been sponsored internationally by UNESCO, with the cooperation of the United Nations Food and Agricultural Organization. Also featured at the meeting was a program on the theme, "Critical Threats to International Cooperation." Participants on this program were: Ellis Arnall, president of the Society of Independent Motion Picture Producers; Nelson H. Cruikshank, director of social insurance activities of the American Federation of Labor; Clarence A. Dykstra, late provost of the University of California at Los Angeles; and Milton S. Eisenhower, president of Kansas State College.

The Woodrow Wilson School of Public and International Affairs at Princeton University sponsored a conference on Federal executive personnel problems March 31 to April 1. Participants in the conference included government officials and representatives from Cornell, Harvard, Princeton and Syracuse Universities, and the University of Minnesota. The conferees reviewed present governmental personnel policies and procedures; the use of internships; the needs of government for executives with different blendings of professional, technical and administrative skills; distinctions between graduate and undergraduate training; and possible steps that might be taken by government and by universities in the areas of education, testing, recruitment, and promotions.

The Institute of Government of the University of Utah held its fourth annual conference on governmental problems in Salt Lake City May 1–2. The program of the conference was devoted largely to a symposium on the question, "Can We Maintain the Peace?" Contributors to the symposium included Donald C. Stone, director of administration of the Economic Cooperation Administration, and members of the faculty of the University of Utah. In addition to contributing to the symposium, Mr. Stone addressed the conference on the contribution of the European recovery program to the maintenance of peace.

The third annual conference on "The Causes of War and Conditions of Peace," sponsored by the William Edgar Borah Foundation for the Outlawry of War, was held on the University of Idaho campus April 17–19, with an attendance that represented 24 institutions of higher learning and eight states. The conference program included fifteen forums and five major addresses on various phases of war and peace. Among the speakers were Hans Morgenthau of the University of Chicago, Harold Benjamin of the University of Maryland, Charles E. Martin of the University of Washington, J. B. Condliffe of the University of California, C. J. Brosnan of the University of Idaho, and the Reverend John Brogden of the Unitarian Church, Spokane, Washington.

The Washington Square College of Arts and Science of New York University held a public conference on technical assistance to Latin America on the evening of May 8. The program of the conference focused attention on United States aims and policies in relation to Latin America's economic and social needs. Participating on the panel of experts for the conference were Ambassador Hernan Santa Cruz, chief of the Chilean delegation to the United Nations; Leslie A. Wheeler, director of the Interim Office of Technical Cooperation and Development of the United States Department of State; Serafino Romualdi, Latin American representative of the American Federation of Labor; and Henry H. Whitman, assistant vice-president of the National City Bank of New York. The conference was sponsored by the Program of Latin American Studies and the Inter-American Relations Club of the College.

The twenty-sixth Institute under the Norman Wait Harris Foundation was held at the University of Chicago from May 29 to June 1. In addition to seminars, the program of the Institute included four public lectures: "Germany: The Economic Problem," by Calvin B. Hoover; "Germany and the Problem of Peace," by James P. Warburg; "Germany: The Political Problem," by Hans J. Morgenthau; and "Germany and the Problem of Western Civilization," by Reinhold Niebuhr.

The sixth intensive training program in the administration of archives was conducted at the American University June 12 to July 7, in cooperation with the National Archives, the Library of Congress and the Maryland Hall of Records. The program was under the supervision of Ernst Posner, director of the School of Social Sciences and Public Affairs of the American University. Registrants included representatives from the Public Archives of Canada and the Ministry of Development of Venezuela.

The fifth consecutive summer workshop in state and local government was held at Michigan State College July 5–25. As in the past, the workshop was sponsored jointly by the Michigan Institute of Local Government and Michigan State College, with the cooperation of the Michigan Municipal League, the University of Michigan, Wayne University, Michigan State Normal College, Central Michigan College of Education and Western Michigan College of Education. The special three-weeks course of study was designed to acquaint students and lay persons having a special interest in government with a broad view of the major functions and problems of state and local government in Michigan. The teaching staff included state and local officials, as well as members of the social science staffs of Michigan colleges and universities.

The fourth Annual Institute for Teachers of Government and Administration was held recently in Washington, D.C., under the sponsorship of the American University, with the cooperation of the Committee on the Advancement of Teaching of the American Political Science Association. Among the speakers to address the Institute were: President Harry S. Truman; Senators George D. Aiken and Ralph Flanders; Representatives Leslie C. Arends and John McSweeney; Henry P. Chandler, administrative officer of the United States courts; Carlisle Humelsine, deputy assistant secretary of state for administration; Richard Strout, Washington correspondent for the *Christian*

Science Monitor; David Stowe, administrative assistant to the president of the United States; and Ernest S. Griffith, director of the Legislative Reference Service of the Library of Congress. Those attending the Institute included sixteen teachers of political science, representing fourteen colleges and universities.

A panel discussion on the topic, "The Politics of the Hoover Report," was recently sponsored by the New York University Government Club, in conjunction with the Citizens Committee for the Hoover Report. Participants on the panel included John D. Millet of Columbia University, Wallace S. Sayre of City College, New York, Louis W. Koenig of Bard College, and Congressman Jacob K. Javits of New York City.

The 1950 conference of the Texas Personnel and Management Association will be held at the University of Texas November 2 and 3. The conference will be sponsored by the University of Texas as a service for leaders in business, government and education in Texas and the Southwest. Information relating to the conference and its program may be secured from Norris A. Hiett, executive secretary of the Texas Personnel and Management Association.

OTHER ACTIVITIES

Princeton University has announced the establishment of a center for research on world political institutions in the Woodrow Wilson School of Public and International Affairs. Funds for the center were supplied by Mr. and Mrs. Randolph Compton and other friends of the University. Mr. Compton, who is a member of the Class of 1915, and Mrs. Compton made their gift as a constructive memorial to their son, John Parker Compton of the Class of 1947, who was killed in Italy in 1945 while on active duty in the United States Army. The director of the center is Richard W. Van Wagenen, formerly deputy United States secretary in the Allied Control Authority for Germany, and more recently a member of the political science staff of Duke University.

Boston University has announced the establishment of an Institute of Public Service, which will extend the offerings of the evening school for public officials in the Boston metropolitan area. The work of the Institute has begun with four programs of preparation for fields of specialization: (1) public administration; (2) municipal administration; (3) financial administration; and (4) personnel management and supervision. A certificate will be awarded by the Institute upon completion of forty semester hours credit in any one of the four programs. Lashley G. Harvey, director of the Bureau of Public Administration of Boston University, is serving as director of the Institute.

The Institute of Government of the University of Utah recently announced a special program of graduate training in international relations and American foreign policy. Enrollment is limited to eight students who are candidates for advanced degrees in political science, history, economics, sociology, or related subjects. Those successfully completing the program will be awarded special graduate certificates in international relations. The program of studies is under the supervision of G. Homer Durham, director of the Institute of Government. He will be assisted by Franz B. Schick and S. Grover Rich, Jr., both of the department of political science.

Western Reserve University has begun the second year of its Program of Citizenship and World Affairs. The graduate program, under the direction of Alfred J. Hotz, combines the resources of both the University and the Cleveland Council on World Affairs. It is intended to train leaders for community education in international affairs.

Clyde Eagleton, professor of international law at New York University, delivered a series of lectures on the subject, "International Organizations and the Law of Responsibility," at the Hague Academy of International Law August 7–11. He also reported on the codification of international law for the American branch of the International Law Association at the Association's meeting in Copenhagen August 27 to September 7.

Joseph Dunner, chairman of the department of political science of Grinnell College, delivered a series of lectures on American diplomatic history and American constitutional law at the University of Rome, Italy, and the Hebrew University in Jerusalem, Israel, in July and August.

Two series of lectures were given on the Walgreen Foundation at the University of Chicago during the spring quarter of 1950. "The Foreign Policy of the United States" was the topic of the first series, which was delivered by Hans J. Morgenthau of the University faculty. The second series, by Ralph Bunche, acting assistant secretary-general of the Department of Trusteeship of the United Nations, dealt with the topic, "Man, Democracy and Peace."

Josef L. Kunz, professor of international law in the College of Law of the University of Toledo, delivered in Spanish a series of six lectures on the general theory of international law at the Inter-American Academy of Comparative and International Law at Havana during February and March, 1950.

The Institute of Government of the University of Utah announces the establishment of an annual award of $250 for the most scholarly and significant article appearing in a volume of the *Western Political Quarterly*. The award, to be known as the *Maurice Warshaw Prize,* is intended to encourage research, particularly among young political scientists. Information relating to the award may be secured from the managing editor of the *Western Political Quarterly*.

Catheryn Seckler-Hudson, George P. Bush and Lowell H. Hattery, all of the department of political science and public administration of the American University, recently received awards for publications appearing during the academic year 1949–50. The awards were made by the Board of Trustees of the University.

Recipients of recent awards for study in political science include George Hougham of the University of Pennsylvania, who was awarded the Penfield fellowship for the academic year 1950–51; Robert G. Neumann of the University of California at Los Angeles, who was awarded a John Randolph Haynes and Dora Haynes Foundation grant to study French political parties while on sabbatical leave during the academic year 1950–51; David Spitz of Ohio State University, who was awarded a post-doctoral fellowship by the Ohio State University Graduate School for study at the Library of Congress in the summer of 1950; and Eric Voegelin of the Louisiana State University, who received a Guggenheim award for study in Europe on his systematic theory of politics. Mr. Hougham will spend a year in Canada, where he will conduct a study of third parties in Canadian politics.

Raymond G. McKelvey, chairman of the department of political science of Occidental College, was recently decorated by the French Government with the Palmes Académiques and made an Officer d'Académie for "distinguished service in the cause of Franco-American friendship."

The Supply of Political Scientists. A recent report of the United States Office of Education reveals that 7,056 persons majoring in political science received degrees from accredited institutions of higher education during the academic year 1948–49. This figure represents 1.6 per cent of the total number of degrees granted in a year in which more persons (422,754) received academic degrees in the United States than in any similar previous period. The report, entitled *Earned Degrees Conferred by Higher Educational Institutions*, indicates that political science ranked fifth among the social sciences in the totals for all degrees awarded, and fourth among the social sciences in the number of master's and doctor's degrees awarded. Economics, with a total of 12,521 degrees, was the most popular of the social sciences, while history led in the number of graduate degrees. Ph.D. degrees were awarded to 212 historians, 202 psychologists, 149 economists, 119 political scientists, 83 sociologists, 28 geographers, and 19 anthropologists. Master's degrees granted in history numbered 1609; psychology, 1455; economics, 862; political science, 821; sociology, 403; geography, 138; and anthropology, 61.

The proportion of graduate degrees given to majors in political science has remained about the same for the three academic years for which comparative records exist for the graduate level. About 2.2 per cent of all Ph.D. degrees and 1.7 per cent of all master's degrees went to majors in political science in each of the three academic years.

The bachelor's degree with a major in political science is offered by 278 institutions, the master's degree by 112 institutions, and the doctorate by 41. However, the great majority of degrees awarded in political science at any level are granted by no more than a dozen of the larger universities.

Little is known about the effective demand for persons majoring in political science. Some sample studies indicate that something more than half of the persons who receive the doctorate in political science become teachers, but, aside from this information, little is known about what actually happens to political science majors. It is therefore impossible to ascertain whether the supply of political scientists meets the demand or not. With a view toward future planning, it may be desirable for members of our profession to undertake a systematic study of the supply of and demand for specialists in the field.—CLAUDE E. HAWLEY.

APPOINTMENTS AND STAFF CHANGES

Bruce Adkinson has been appointed to an instructorship in politics at Princeton University.

Charles Aikin of the University of California (Berkeley) spent the summer in Germany on an assignment for the United States Department of State.

Gabriel Almond has been advanced to the rank of associate professor at Yale University.

Elton Atwater, recently associate professor of political science at the American University, has been appointed to an associate professorship at Pennsylvania State College.

René N. Ballard, formerly research assistant in the Institute of Government and teaching assistant in the department of political science of the University of Utah, has been appointed to an instructorship at Knox College.

Thomas S. Barclay of Stanford University taught at Columbia University during the summer of 1950.

Vincent M. Barnett, who has recently been in Italy with the Economic Cooperation Administration, has resumed his duties as head of the department of political science at Williams College.

Walter H. Bennett of the University of Alabama was a visiting member of the political science staff of Duke University in the second term of the summer session of 1950.

E. Maxwell Benton has resigned from his position as research director of the Arkansas Public Expenditure Council to accept an appointment as associate professor of public administration at Florida State University.

John Bernhard, recently a graduate student at the University of California (Los Angeles), has been appointed to an assistant professorship at Brigham Young University.

Guthrie S. Birkhead, recently assistant in instruction at Princeton University, has been appointed to an instructorship in political science at Syracuse University.

Joseph E. Black, formerly a graduate student at Northwestern University, has been appointed to an assistant professorship at Miami University (Ohio).

Charles Blitzer has been appointed to an instructorship in the department of political science at Yale University.

Roy Blough of the University of Chicago has been appointed by President Truman to the Council of Economic Advisers.

John C. Bollens, formerly a member of the staff of the Bureau of Public Administration of the University of California (Berkeley), has been appointed to an assistant professorship at the University of California (Los Angeles).

Phillips Bradley has been appointed professor of political science at Syracuse University, with principal responsibility for the introductory courses.

Bernard Brodie will be on leave from Yale University for a period beginning February 1, 1951, for research with the Rand Corporation.

Eugene Burdick, recently a graduate student at Oxford University, has been appointed to an instructorship in political science at the University of California (Berkeley) for the academic year 1950–51.

William S. Carpenter of Princeton University has been appointed for a second term as president of the New Jersey Civil Service Commission. He will continue to devote half of his time to the department of politics at Princeton.

David T. Cattell has been appointed to an instructorship at Brown University.

John L. Chase, recently instructor at Princeton University, has been appointed as assistant professor of political science at Brown University.

Frederic N. Cleaveland, formerly research assistant in the Woodrow Wilson School of Public and International Affairs at Princeton University, has been appointed to an instructorship in government in the Washington Square College of Arts and Science of New York University.

Francis W. Coker, who was Craige visiting professor of jurisprudence at the University of North Carolina during the winter and spring quarters of 1950, will return to that University in the same capacity in the winter quarter of 1951.

O. B. Conaway, Jr., formerly instructor in the department of political science of Syracuse University, has joined the teaching staff of Boston University.

Franklin G. Connor has been appointed adjunct professor of political science and public administration in the school of Social Sciences and Public Affairs of the American University.

Thomas I. Cook, who was visiting professor of political science at the Johns Hopkins University during the past year, has been appointed to a permanent professorship at that University.

Robert A. Dahl will be on leave from Yale University for a period beginning February 1, 1951, for research under a Guggenheim fellowship.

William Divine has been appointed adjunct professor of political science and public administration in the School of Social Sciences and Public Affairs of the American University.

Guy H. Dodge has been appointed chairman of the department of political science at Brown University.

Paul Dolan has been advanced to an associate professorship in the department of political science at the University of Delaware.

Thomas C. Donnelly, dean of the College of Arts and Science of the University of New Mexico, was a visiting member of the faculty of New York University for the summer session of 1950.

Harold M. Dorr of the University of Michigan was in Germany during the past summer as consultant on problems of legislation and legislative procedures at the invitation of the United States Department of State.

Alex N. Dragnich has resigned from his position as public affairs officer in the American Embassy in Belgrade, Yugoslavia, to accept the position of associate professor in the department of political science of Vanderbilt University.

G. Homer Durham of the University of Utah was visiting professor of political science at the University of California (Los Angeles) during the summer of 1950.

Henry W. Ehrmann has been promoted to a professorship in political science at the University of Colorado. He is on leave from the University during the fall quarter of 1950 while serving as a visiting member of the staff of the Institute for Advanced Studies.

Mario Einaudi of Cornell University was visiting professor of political science at the University of California (Los Angeles) during the summer of 1950.

Robert E. Elder is serving as acting chairman of the department of political science of Colgate University for the fall semester of 1950–51 in the absence of P. S. Jacobsen, chairman of the department.

Harold Enarson of Stanford University spent the summer in Washington, D. C., on a temporary assignment with the National Security Resources Board to make a study of wartime provisions for wage stabilization and wage adjustment.

Ernest A. Engelbert, formerly assistant professor at Syracuse University, has been appointed to an assistant professorship at the University of California (Los Angeles).

John Esterline, recently a graduate student at the University of California (Los Angeles), has been appointed to an assistant professorship at Tulane University.

Cortez A. M. Ewing of the University of Oklahoma was a visiting professor at the University of Minnesota during the second term of the summer session of 1950.

R. Barry Farrell has been appointed to an instructorship in the department of political science at Yale University.

James W. Fesler has returned to his position as professor of political science and research professor in the Institute for Research in Social Science at the University of North Carolina after a year's leave while serving as visiting professor at the University of California (Berkeley).

Russell H. Fifield of the University of Michigan is in the Philippines for a period of four months to study conditions in the Islands.

Milton E. Flower of Dickinson College is a visiting professor for the Washington Semester Program at the American University for the fall semester of the academic year 1950–51.

Edgar S. Furniss, Jr., assistant professor at Princeton University, has been designated John Witherspoon bicentennial preceptor in politics. The bicentennial preceptorships, ten of which have been established at Princeton, are endowed chairs at the rank of assistant professor. The appointment is for three years, including one full year of leave for research.

Lyman A. Glenny, formerly a graduate student at the State University of Iowa, has been appointed to an instructorship at Sacramento State College.

Leland M. Goodrich, recently chairman of the department of political science of Brown University, has been appointed professor of international organization and administration in the School of International Affairs and in the department of public law and government of Columbia University.

Stephen S. Goodspeed of the University of California (Santa Barbara) was visiting professor of political science at the University of California (Los Angeles) during the summer of 1950.

Alfred J. de Grazia, Jr., recently assistant professor of political science at the University of Minnesota, has been appointed to an associate professorship of political science at Brown University.

Lee S. Greene of the University of Tennessee was a visiting member of the political science staff of Duke University for the first term of the summer session of 1950. During the academic year 1950–51 he is serving as visiting professor of political science at Syracuse University.

Morton M. Grodzins has been promoted to an associate professorship at the University of Chicago.

Andrew Gyorgy of Louisiana State University was a member of the faculty of the Johns Hopkins University for the summer of 1950.

Philip J. Halla recently became international relations officer in the Office of Greek, Turkish and Iranian Affairs of the Department of State at Washington.

Charles M. Hardin has been promoted to an associate professorship at the University of Chicago.

Robert J. Harris of Louisiana State University was a member of the research staff of the Legislative Reference Service of the Library of Congress during the past summer.

Ray F. Harvey has been appointed chairman of the department of government of the Washington Square College of Arts and Science of New York University.

Alexander Heard has been appointed as an associate professor of political science and as research associate in the Institute for Research in Social Science at the University of North Carolina.

Walter Held, formerly teaching fellow at the American University, became assistant professor of political science and public administration at that institution on September 1.

Charles Hersh, recently instructor at Syracuse University, became assistant professor of political science and public administration at the American University on September 1.

Charles David Hounshell, formerly a graduate student at the University of Virginia, has been appointed as an assistant professor of political science at Emory University.

Jay Byron Hunt, formerly a graduate student at the University of Utah, has been appointed as an instructor in political science at Brigham Young University for the academic year 1950–51.

Frederick C. Irion of the University of New Mexico taught in the regular summer session of the University of Missouri and in a short session at San Francisco State College the past summer.

Thomas P. Jenkin has resumed his work at the University of California (Los Angeles) following a sabbatical leave.

William S. Jenkins has resumed his teaching duties at the University of North Carolina after a leave of absence while serving as director of the University of North Carolina-Library of Congress State Documents Microfilm Project.

Jack T. Johnson, associate professor in the department of political science of the State University of Iowa, gave his full time the past summer to the United States Navy Recruit Training and Citizenship Project. He has been director of this Project since November, 1949.

Ralph G. Jones has joined the faculty of the University of Arkansas as assistant professor.

Charles Judah of the University of New Mexico taught at the City College of New York during the summer of 1950.

Louis G. Kahle has been promoted to an assistant professorship in political science at the University of Missouri.

Robert D. Karsch of the University of Missouri was visiting professor of government at the University of New Mexico during the summer of 1950.

Hans Kelsen is on leave from his position at the University of California (Berkeley) to serve as visiting lecturer in government at Harvard University for the fall term of the academic year 1950–51.

Hugh E. Kelso, associate professor in the department of political science at the State University of Iowa, was a member of the faculty of the Army War College, General Staff and Command School, Teacher Training Section, at Fort Leavenworth, Kansas, from July 1 to September 10, 1950.

Louis W. Koenig, formerly of Bard College, has been appointed to an assistant professorship in government in the Washington Square College of Arts and Science of New York University.

Josef L. Kunz of the University of Toledo is a visiting member of the political science staff of the University of California (Berkeley) for the fall semester of the academic year 1950–51.

George A. Lanyi, recently assistant professor of political science at Brown University, has been appointed to an assistant professorship in political science at Oberlin College.

Walter H. C. Laves has resigned as deputy director-general of UNESCO, the position he has held since the organization came into existence in 1947. He will return to the United States at the end of 1950.

Lawrence Mayo Lew has been promoted to a full professorship at Bradley University.

Benjamin E. Lippincott of the University of Minnesota will be a visiting professor at the University of California (Berkeley) for the second semester of the academic year 1950–51.

Leslie Lipson, who has been on leave from his position at Swarthmore College while serving as a visiting professor at the University of California (Berkeley), has joined the permanent staff of the latter institution.

Daniel McHargue, recently a graduate student at the University of California (Los Angeles), has been appointed instructor in political science and research associate in the Institute of Public Administration at the University of Michigan.

Dean E. McHenry became chairman of the department of political science of the University of California (Los Angeles) on August 15.

Russell W. Maddox, Jr., formerly a graduate student at the University of Illinois, has been appointed to an assistant professorship in political science at Oregon State College.

Hugo V. Mailey has been promoted to an assistant professorship at Wilkes College.

Fritz Morstein Marx has been appointed adjunct professor of political science and public administration in the School of Social Sciences and Public Affairs of the American University.

John Masland is on leave from Dartmouth College for the first semester of 1950–51 to teach in the National War College.

Wallace Mendelson of the University of Tennessee was a visiting member of the political science staff of the University of Alabama for the summer of 1950.

William Kent Metcalfe, instructor at Miami University (Ohio) for the past two years, is engaged in graduate study at Syracuse University.

John I. Michaels, Jr., has been appointed as an assistant professor jointly by Swarthmore, Haverford and Bryn Mawr Colleges for the program of Russian studies being conducted jointly by these three institutions.

William B. Miller has been appointed as an instructor in political science at the State University of Iowa for the academic year 1950–51.

Rodney L. Mott will be on leave from Colgate University for the first semester of the academic year 1950–51 while serving in Germany as a consultant for the United States Department of State.

Emery E. Olson, dean of the School of Public Administration of the University of Southern California, spent the summer of 1950 in Ankara, Turkey, studying organizational aspects of the Government of Turkey as a member of a mission sponsored jointly by the Turkish Government and the International Bank.

Kimbrough Owen of Louisiana State University has been appointed director of the division of student life, but will continue to give a portion of his time to the department of government.

Michael C. Pearson, recently a student at Harvard University, has been appointed to an instructorship in the department of political science at Williams College for the academic year 1950–51.

James K. Pollock of the University of Michigan spent a portion of the past summer in Germany as an adviser on problems relating to the Allied occupation of that country.

Rollin B. Posey, chairman of the department of political science of Northwestern University, taught at the University of California (Berkeley) during the summer of 1950.

R. Vance Presthus, associate professor of public administration and political science at the University of Southern California, will be engaged in research in England during the academic year 1950–51.

James W. Protho, formerly a graduate student at Princeton University, has been appointed to an assistant professorship in political science at Florida State University.

Lawrence I. Radway, formerly instructor in government at Harvard University, has been appointed instructor in government at Dartmouth College.

Alan C. Rankin, assistant professor of government at Miami University (Ohio), is engaged in graduate study at Syracuse University.

Ellsworth L. Raymond has been appointed as a full time-lecturer on Russian affairs in the Washington Square College of Arts and Science of New York University.

Henry Reining, Jr., professor of public administration at the University of Southern California, has been appointed by the United States Civil Service Commission to its National Loyalty Review Board.

John S. Reshetar, instructor in politics at Princeton University, has resumed full-time teaching after completing two years' study at the Russian Institute of Columbia University.

S. Grover Rich, Jr., has been promoted to an assistant professorship in the department of political science of the University of Utah.

Allan R. Richards, assistant professor of political science at Western Reserve University, taught at the University of North Carolina during the second summer term of 1950.

Ivan L. Richardson has been appointed to an assistant professorship at Fort Hays Kansas State College.

George C. Robinson of Iowa State Teachers College taught at Northwestern University during the summer of 1950.

Charles B. Robson of the University of North Carolina spent the recent summer in Germany on a grant from the United States Department of State as a visiting specialist in governmental affairs.

William A. Robson of the London School of Economics and Political Science will be Craige visiting professor of jurisprudence at the University of North Carolina during the winter quarter of 1951.

Landon G. Rockwell, formerly assistant professor of political science at Williams College, has been appointed as an associate professor and as head of the department of political science at Hamilton College.

Clinton L. Rossiter of Cornell University was a visiting member of the faculty of Claremont College during the summer of 1950.

Joseph W. Rupley, chief field representative, United States Bureau of the Budget, San Francisco, is a visiting member of the political science faculty of the University of California (Berkeley) for the fall semester of 1950–51 to offer a seminar in Federal field operations.

Frederick L. Schuman will be on leave from Williams College for the second semester of 1950–51 to undertake a research and writing project for the Foundation of World Government.

Catheryn Seckler-Hudson, chairman of the department of political science and public administration at the American University, was on sabbatical leave the past summer.

Foster H. Sherwood has resumed his work at the University of California (Los Angeles) following a sabbatical leave.

Currin V. Shields, formerly assistant professor at Yale University, has been appointed to an assistant professorship at the University of California (Los Angeles).

Bruce Lannes Smith, formerly research associate in the Social Science Division of the University of Chicago, has been appointed as an associate professor of political science in the Foreign Service Institute of the Department of State at Washington.

Richard C. Snyder has been advanced to an associate professorship in the department of politics of Princeton University.

Herbert Sonthoff has joined the staff of the department of political science at Swarthmore College for the academic year 1950–51.

Robert B. Stauffer, Jr., has been appointed to an instructorship in government at the University of Hawaii.

Murray S. Stedman, Jr., recently assistant professor of political science at Brown University, has been appointed to an assistant professorship in political science at Swarthmore College.

Robert H. Stern, formerly a tutor in government at Harvard University, has been appointed to an assistant professorship at the University of Buffalo.

Melvin P. Straus, recently an assistant in the department of political science at the University of Illinois, has been appointed to an instructorship at North Dakota Agricultural College.

William L. Strauss, recently assistant professor of political science at San Diego State College, has been appointed to an assistant professorship at Long Beach State College.

Donald S. Strong of the University of Alabama was a visiting member of the political science staff of the University of Tennessee for the summer session of 1950.

Rinehart J. Swenson, formerly chairman of the department of government of the Washington Square College of Arts and Science of New York University, has been made head of the department of government of the Graduate School of Arts and Science of that University.

Philip B. Taylor, Jr., is teaching at Northwestern University during the absence of George Blanksten, who is engaged in study in South America.

Arthur G. Thexton has been appointed to an associate professorship at the University of Bridgeport.

John S. Thomson has been appointed as instructor in the department of political science at the University of Wisconsin.

Hans B. Thorelli, executive secretary of the Swedish Institute for Industrial, Economic and Social Research, is visiting lecturer in the social sciences for the Scandinavian Area Study Program of the University of Minnesota for the academic year 1950–51.

Vincent Thursby, formerly of the University of Virginia, has been appointed associate professor in the department of political science of Florida State University.

Julian Towster, recently a member of the staff of the Russian Institute of Columbia University, is a visiting associate professor in the department of political science of the University of California (Berkeley) for the academic year 1950–51.

David B. Truman, associate professor at Williams College, is visiting associate professor of government at Columbia University for the academic year 1950–51.

Julius Turner, formerly of Boston University, has been appointed to an associate professorship at Allegheny College.

Adam B. Ulan has been promoted to an assistant professorship in the department of government at Harvard University.

J. Dayton Voorhees has retired from active service after thirty-one years of teaching in the department of politics of Princeton University.

Paul W. Wager, professor of political science at the University of North Carolina, was a visiting professor at the University of Arizona during the summer of 1950.

Edwin R. Walker, formerly assistant in instruction at Princeton University, has been appointed to an instructorship in government at the University of Massachusetts.

J. Harvey Wheeler, formerly an instructor in government at Harvard University, has been appointed to an assistant professorship in political science at the Johns Hopkins University.

Howard White of Miama University (Ohio) has been engaged in work at Heidelberg, Germany, since June 15 as one of ten specialists selected to work for a period of ninety days in the German Ministry of Education in an effort to develop a new approach for the teaching of the social studies.

Leonard D. White of the University of Chicago has been appointed to the National Loyalty Review Board.

York Y. Willbern has been named head of the department of political science and director of the bureau of public administration of the University of Alabama.

René de Visme Williamson of the University of Tennessee was a visiting member of the faculty of Western Reserve University for the second term of the summer session of 1950.

Charles H. Wilson, fellow and vice-president of Corpus Christi College, Oxford, will be a visiting professor at Ohio State University during the winter and spring quarters of 1951.

H. Herbert Wilson has been promoted to an associate professorship in the department of politics of Princeton University.

Sheldon S. Wolin was a member of the political science faculty of Northwestern University during the summer of 1950.

Bryce Wood of Swarthmore College has been granted a leave of absence for the academic year 1950–51 for research in Washington, D. C.

James R. Woodworth, instructor at Miami University (Ohio) for the past two years, has resumed graduate study at Harvard University.

Harold Zink is on leave from Ohio State University for the academic year 1950–51 to serve as chief historian of the American section of the High Commission for Germany.

IN MEMORIAM

Clarence Addison Dykstra. At his week-end retreat in South Laguna, California, Clarence Addison Dykstra died on May 6, 1950. He was resting from his arduous duties as provost of the Los Angeles campus of the University of California and active leader in numerous civic enterprises when death came suddenly and painlessly. "We have lost a giant of a man" was the spontaneous reaction of campus and community alike. During his threescore and seven years he achieved enough success in each of four related fields to have satisfied any ordinary person. He was a teacher with such personal charm and breadth of learning that he could infect students with lifelong interest in his subject. He was a tireless champion of civic betterment and governmental efficiency. He was a public administrator of extraordinary ability. He left an indelible mark on American higher education through his leadership of two important universities at formative and critical periods in their history.

Dykstra was reared in the religious and scholarly atmosphere of a family headed by a minister in the Dutch Reformed Church. As an undergraduate at Iowa State University, where he took his bachelor's degree at the age of twenty, he demonstrated a capacity that he never lost: to do well in an astonishing range of activities simultaneously. He was an honor student in history, won a medal in French, read Plato and Aristotle in Greek, took part in dramatics, wrote for the student newspaper, and debated, in the meantime largely supporting himself through part-time jobs and summer employment. He moved on to the graduate school at the University of Chicago, then to teaching positions at Ohio State and the University of Kansas. He was only thirty when the latter institution advanced him to the full professorship and made him head of its newly created department of political science.

Since he was eager to experience at first hand some of the activity about which he taught, he resigned five years later to become secretary of the Cleveland Civic League. His protracted but unsuccessful struggle with the Van Sweringen interests over the building of a union railway station only deepened his interest in civic reform, and he moved on to similar posts in Chicago and Los Angeles. Soon he was a member of the Commission of the Los Angeles City Department of Water and Power, where he was closely associated with the late Dr. John R. Haynes, father of direct legislation in California and a regent of the University. Those were the days of sound planning of the water and electricity supply upon which the mushrooming metropolitan area was so dependent. Dykstra played a leading role in the completion of the Owens Valley program, the authorization of the Boulder Dam project, and the establishment of the Metropolitan Water District. In 1926 he left the Commission and became the Department's director of personnel and efficiency, where the theories that he now taught as a part-time lecturer at the newly created Los Angeles branch of the University of California were put to the acid test. In his spare time he helped Dr. John R. Haynes draw up the plans for the Haynes Foundation, now the leading private civic research organization of the Pacific Southwest. Dykstra served on its board of trustees from the beginning.

In May of 1930 he accepted the country's biggest professional job in municipal management—the city managership of Cincinnati. Here he was allied with Murray Seasongood, Charles Taft, and others who were transforming the Ohio River metropolis from a boss-ridden, corrupt city to one of the best governed in America. Cincinnati in those years had enough crises for two generations. There was the great depression; Cincinnati remained solvent, developed a vast public-works program, pioneered in public housing, deflated extremism by solving social problems and allowing full freedom of speech and assembly. The Ohio River went on a rampage three times while Dykstra was City Manager, the ten-day 1937 flood breaking all records. His coordination of rescue, relief and rehabilitation efforts won him national acclaim as "Cincinnati's Dyke."

Dykstra accepted the Cincinnati post with the anticipation that it would complete his tour of field experience, and he therefore retained his official connection with the University of California, which granted extensions of his leave. But more important work was awaiting him in the academic world, and in May, 1937, he accepted the presidency of the University of Wisconsin under unusually difficult conditions created by the clash between the regents and President Glenn Frank, whom he succeeded. Although he declined a cabinet post that was urged upon him, the growing severity of the national emergency soon made it imperative that the University share his services with the nation. President Roosevelt's desire to have the selective service law administered by a person of high administrative quality intimately acquainted with our educational system made his selection as the first director an ideal one. He organized the peacetime draft and set the structure and policies that were to be followed in that grim function throughout World War II. Soon he was again called upon to chair the National Defense Mediation Board, forerunner of the War Labor Board.

While filling these crucial roles in Washington Dykstra continued to commute to and from Madison, remaining in active charge of the University administration. After 1941 he spent more time in Madison, but continued to serve on many national boards and committees. He is credited with a major part in originating Army Special Services and the Armed Forces Institute. The latter, from its Madison headquarters, served with correspondence courses hundreds of thousands of fighting men the world over, and is still in active operation.

When Dykstra returned to Los Angeles and the University of California in February, 1945, he plunged vigorously into the task of moulding into a university an amorphous institution that had grown from a small teachers' college to a campus with a student body of over nine thousand in only twenty years. At Wisconsin he had instituted a considerable building program just before the P.W.A. came to an end and while costs were low and unemployment still relatively high. Conditions were not so favorable in 1945, and the farsighted plans that he laid are only now beginning to bear fruit. Wisconsin has Picnic Point and many greatly needed buildings as physical monuments to his memory. It is fitting that the first unit of the new dormitory system about to be constructed on the Los Angeles campus will be named in his honor. Far more significant, however, is the fact that his foresight added over forty-one acres to a campus that otherwise would have been woefully inadequate for the role that it must play in the educational system of a rapidly growing state. But most important are the searching scrutiny he gave to the selection of faculty, the initiation of curriculum appraisal, and the warmth of his association with students.

The American Political Science Association was always close to his heart, and he served as its president during 1938. During 1932–33 he was president of the International City Managers Association, and from 1933 to 1940 he was president of the National Municipal League. The numerous honorary degrees, medals, and certificates awarded him indicate that he was judged by many outside our circle to have made significant contributions to society. We who knew him respected and loved him for those qualities which scarcely can be put into a brief public citation. He was warm, genial, and friendly. He genuinely liked people and they liked him. He was never too busy to provide wise counsel on any problem a colleague or student felt was important enough to bring to him. He believed in freedom, academic and other, but frequently reminded us that it could not long endure unless bracketed with responsibility. Without being a martyr, he was there to stand on principle when the chips were down. And he constantly reminded us that the most important unit in a university consists of the students, and that even a state university's obligation to them goes beyond classroom instruction, into social, recreational, and residential needs.—J. A. C. GRANT.

Harold J. Laski. Above all, Professor Laski was, and knew that he was, a teacher. His lasting influence was on, and will be through, his students, both scholars and statesmen. His personality, his view of life as a moral and intellectual adventure, will continue to have influence in unexpected places, and in teachings far different from his own doctrines. As a teacher he felt profoundly the need to take one's stand, to make that stand as clear as one's abilities allowed. Vast production as scholar and publicist was but the extension of the teacher's art, the full implementation of a teacher's theses. Similarly, his arduous public activity for the Labor Party—a probable cause of his premature death—arose from a conviction that the philosophic student of society must contribute his best self to the improvement of the social order in which he lived.

In his lectures to his students, as in his public lectures, Laski was brilliant and epigrammatic. His style was clear and trenchant, his delivery without hesitation. More importantly, the lectures were fraught with a dynamic sense of moral ardor. He conveyed, as few teachers convey, the conviction that the subjects with which he dealt were the vital issues of life itself, not the too frequent formalisms and lifeless learning of classroom and textbook. The character and dignity of man, the fulfillment of men in society, these were his lasting and ever-recurring themes. Books mentioned, bibliographies themselves, became guides to stirring reflections on those themes by men of great insight or profound character.

In his lectures, as in his seminars, Laski emphasized the importance of giving honest and magnanimous consideration to views opposed to his own. He was sharp indeed toward those he believed intellectually incompetent, and sharper still toward persons he thought were merely dishonest or self-seeking. But he respected profoundly men of real moral and intellectual stature, however much they might differ from him, and however strongly they urged positions he deplored. Moreover, he taught his students that respect; and he was signally severe with those who, from ill-judged discipleship, denigrated the character or belittled the mental sinew of opponents who were men of stature. Severe, too, in his choice of students, he was surprisingly patient with, and tolerant of, those whose arduous efforts led to very modest results, though he could be biting to the merely lazy. He encouraged students to differ from him; he argued, persuaded, listened, conceded. He respected their thought-out convictions and asked no expedient agreement.

In seminars he drove students to examine critically and thoroughly the great classics of the subject; Plato, Rousseau, Burke became protagonists in the unending drama of man's struggle for wisdom and happiness. He made us aware, also of the byways as well as the highways, and so created an extraordinary interest in the *dramatis personae* of the subject, to be found in its literature. Thus, too, he gave us a sense of vast areas still to explore, of books to be written, contributions and reputations to be made. Moreover, he construed his subject broadly, and the neophyte found himself driven to inquiry into unexpected topics, and hitherto unsuspected relations. Ere long he saw through political theory glimpses of all humane letters, of all culture, of all knowledge, and so perceived the unity of life and the limitless significances of knowledge.

Along with a feeling for the glamour of the literature, Laski gave students a sense at once of the devoted effort and of the dignity of the enquiring mind, and so of the respect due to great thinkers and scholars, present not less than past. He made them feel the vitality of lasting issues and the urgency of contemporary ones. They went to his Sunday teas, and there, not infrequently, met great scholars from all realms of thought, and from all countries. They got the sense that they were candidates for the charmed circle, privileged to be present at, and, if they felt moved and able, to participate in, debates over issues which agitated great minds.

Finally, but far from least importantly, Laski was deeply concerned with the personal lives of his students, especially when they got into difficulties. He understood revolt against parental authority; he sympathized in the serious affairs of the adolescent heart. He felt intensely the need for personal happiness and personal peace, which were necessary in order that men might deliver their best abilities, might do their best work, and might achieve that security and serenity so vital in a troubled world. Deeply concerned with public affairs, both in public and in private he communicated a sense of the significance of private life, and of the ecstasy and obligations of marital love and family bonds.

His political thought was a sustained commentary on two themes: liberty and authority, and liberty and equality. His ultimate concern was with the person, and with the conditions which would allow that person to develop all the good that was in him to the top of his bent without let or hindrance. Persons meant all persons; and Laski had a profound conviction that the ordinary man had vast unrealized potentialities but was grievously frustrated in developing them, and even in recognizing that he had them. State power and limitations on state power, group rights and limitations on group rights, were alike conceived with this ultimate objective, the release of what was in the individual—the granting to him as of right the opportunity to be, in a phrase dear to Laski, his best self.

Laski's earlier pluralism rested on an assurance, based on careful examination, that the sovereign state used its power to frustrate, and not to release, the energies of its citizens. Groups were the proper protection of the citizens and the very vehicles through which they gained the major part of their satisfaction and employed effectively so much of their energies. His later Marxism rested in part on a fear of fascism as destructive of ordinary men, as well as of extraordinary ones. It rested even more clearly on a feeling that, within the existing order, the power of big corporations and of private capital was so great as itself to be a major frustration to common men. That power prevented equality, conceived as a sharing in these benefits of civilization made possible by modern technology. Only by public ownership could men hope to get that degree of equality of access to the opportunities of their society which would permit of genuine democracy, and of genuine personal release. Laski was aware of the dangers of strong states and of centralization, and he certainly deplored that denial of basic freedoms which he saw develop in the Soviet Union. Yet he was convinced that great inequalities and the power of private property in capitalist society were destructive of decency and of well-being. They undermined, indeed, the very essence of character both among those who exercised and among those who were subject to such power. He saw no hope of deliverance save through socialism brought about by the state, and through the elimination of merely private power of every sort. All power was indeed subject to abuse, and all power must be constitutionalized. That result could be achieved, in his judgment, only by placing all power in public hands, and especially by eliminating private ownership of productive instruments. He saw effective equality of economic conditions, though not complete equality, as necessary to liberty. He viewed the claims to liberty of business enterprise as simply claims to exploit, to oppress, to be irresponsible, and consequently to frustrate ordinary men.

He was even prepared to see the destruction of that kind of liberty he himself most enjoyed, in order that ordinary men might have that equality in society and that security which he believed were necessary for their genuine enjoyment of liberty, for their own full development as persons. He was, I think, overimpressed by the dangers of bias on the part of the privileged intellectual, and even on the part of the privileged persons who controlled businesses and industry. He was not sufficiently impressed by the danger of uniform state control, of centralization, of bureaucracy, though he knew the sins of all of these. I, at least, feel that, for all his realistic analysis, he believed rather too much in the possibilities of human perfection, of the elimination of ills in society by institutional change alone. I am convinced, likewise, and with a sense of deep regret, that there was in his pluralism a much broader opportunity for social organization, as well as for analysis of society, then he, abandoning it, fully realized.

Yet, while I regretted his espousal of Marxism, I admired his courage in abandoning a school of which he was acknowledged leader to become a disciple in another. More importantly, whatever the error in his decision, I am convinced that his interest at the end, as at the beginning, was in the same issue: how to organize society that men might enjoy the good life on earth; that they might, living with their fellows, at the same time fully respect their own selves and bring out all the good that was in them. It was the tragedy of human waste, the basic waste of genuine abilities to feel, to enjoy, to create, which Laski deplored; and, for all his Marxist socialism, he ended, as he began, a passionate defender of the claims of personality, the essential centre of each and every individual.—THOMAS I. COOK.

BOOK REVIEWS

The Process of Government; A Study of Social Pressures. By Arthur F. Bentley. (Bloomington, Indiana: The Principia Press, Inc. 1949. First Publication 1908 by University of Chicago Press. First reissue 1935 by the Principia Press. Pp. xv, 501. $6.00.)

If someone were compiling a list of the most important books on government ever written in America, this reviewer would heartily recommend *The Process of Government* for inclusion. If a list were to be made of the most important books on government to have been written in any country, this book should be on that list also. And on both lists it would stand out as having particular reference to problems of our time.

Mention the name of Bentley to a professional philosopher and he will immediately call to mind many books and journal articles culminating in a compilation of articles entitled *Knowing and the Known*, published jointly last year by John Dewey and Arthur F. Bentley. He will probably also comment on the fact that the Dewey-Bentley book was written by two men aged, respectively, ninety and eighty and give wistful expression to the hope that he too may be above ground at such an age and mentally alert enough to embark upon such an ambitious philosophical adventure.

But mention the name of Bentley to most professional political scientists and you will see their eyebrows go up quizzically, with perhaps a faint evidence of recognition geared to the recollection that someone by the same name (wasn't it a woman, though?) achieved recent notoriety by testimony before a congressional committee investigating un-American activities. Others will remember passing footnote references to Bentley's *Process of Government* as having something or other to do with pressure group analysis.

By and large *The Process of Government,* while one of the great classics in the field of government, has been seriously neglected by political scientists. When it was first published by the University of Chicago Press in 1908, it was brushed off cavalierly by James W. Garner in the following brief note in the *American Political Science Review:* "A hasty reading of some of these chapters fails to impress the reviewer with their value as a contribution to the literature of political science, though the work as a whole will doubtless interest students of social institutions. It bears evidence of wide and careful reading." When the book was first reissued in 1935 by the Principia Press, no political science journal saw fit to have it discussed again.

This neglect is due to many factors. One of them is the fact that Bentley dealt with group pressures at a time when that subject was hardly respectable. As Bentley himself observed in a letter to this reviewer last year before the current reissue of his book, public mention of his name was like having intercourse in public with the devil. Moreover, in a brief chapter entitled "Political Science," the book levelled a devastating indictment against most political science of that day as a "formal study of the most external characteristics of Government institutions." Perhaps the theory that turnabout is fair play explains why the 1908 reviewer in this journal gave Bentley a return kick by deprecating the value of the book "as a contribution to the literature of political science." Finally—and this is probably an extremely important part of the explanation—Bentley himself wandered far into other fields and published such books as *Relativity in Man and Society* (1926), *Linguistic Analysis of Mathematics* (1934), *Behavior, Knowledge, Facts* (1936) and more recently, with John Dewey, *Knowing and the Known.* He wrote no articles in political science journals, attended no meetings of political science organizations, engaged in only occasional teaching activities and in general did none of the many things that are helpful to the successful promotion of an academic work.

Yet neglect itself has consequences. One of these has been the recurring—though rather muted—rediscovery of *The Process of Government* by what has probably been an ever-widening circle of political scientists. A number of teachers—Charles Beard was one of the first—have used the book extensively, particularly with graduate students. A number of writers have referred to Bentley with footnote expressions of admiration. These references themselves are usually animated by the spirit of discovery, using such phrases as "a discussion long overlooked," "a neglected classic" or "a pioneering endeavor." An interesting example can be found in Carl Llewellyn's brilliant essay, "The Constitution as an Institution."[1] In bewailing the lack of sustained examination of traditional theories of constitutional law, Llewellyn points out that "Bentley saw and said in 1908 all that should have been necessary to force constitutional law theory into total reconstruction." He then adds a footnote comment: "Why so profound and incisive a book found so little echo, I cannot make out. Morris Cohen led me to it. I feel like entitling this paper *A Rediscovery of Bentley.*" By virtue of these small and limited eddies of interest, the 1908 edition was finally exhausted and slow accretions of demand led to its reissuance in 1935. In another ten years the second issue was gradually absorbed and, with the slow process of rediscovery showing no abatement by 1949, it became apparent that a third printing was justified.

"This book," states Bentley in a one-sentence preface, "is an attempt to fashion a tool." His general approach to the fashioning of this tool is easy to summarize. Part I of the book clears the way by a critical attack on those writers who have regarded feelings and faculties or ideas and ideals as causes of social conduct. Bentley denies "that the separation of feelings and ideas, looked on as individual psychic content, from society or from social institutions or from social activity, is a legitimate procedure in the scientific investigation of society" (p. 166). This part of the book is written in the highest tradition of scholarship, drawing upon sociology, philosophy, anthropology, psychology and other related fields of knowledge.

Part II, entitled "Analysis of Government Pressures," presents Bentley's point of view in affirmative terms. Bentley does not deny that feelings and ideas are an important part of a broader explanation. They have a very real meaning, he suggests, but only when the analysis of society starts with the raw materials of people doing things, whether that doing is thinking, feeling, writing, talking, or any other form of concrete activity. Thus, the raw material of government cannot be found in law books, in the proceedings of constitutional conventions, in essays or addresses on tyranny or democracy, in the "character" of the people or their "hearts" or "minds" but only in "actually performed legislating-administering-adjudicating activities of the nation and in the streams and currents of activity that gather among the people and rush into these spheres" (p. 180). These activities are essentially group activities. Bentley then develops in considerable detail his conception of group activities. From this vantage point he discusses public opinion and leadership, individual endowment and race type, government, law, the classification of governments and the separation of governmental agencies. In five priceless chapters—which should be required reading for all students and teachers of government—he discusses, in turn, the pressure of interests in the executive, the pressure of interests in the legislative, the pressure of interests in the judiciary, political parties and the electorate. The concluding chapters discuss the types of groups, the problem of popular control and representation, the conditions underlying the formation of social groups and the development of group interpretation.

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[1] *Columbia Law Review*, Vol. 34, pp. 1–40 (Jan. 1934).

But no brief summary can give any real indication of the variety and freshness of viewpoint to be found in *The Process of Government.* The innumerable flashes of insight, the depth of scholarship, the analytic penetration, the stylistic vigor—these can be appreciated only by a careful reading and rereading.

To a limited extent these values can be suggested, and Bentley's point of view further developed, by a few illustrative quotations.

A good example of succinct (and still timely) criticism is found in Bentley's treatment of Marx. After showing how Marx and Engels, "fresh from dalliance with Hegel and other similar pleasures of youth," developed their theory of the class struggle, Bentley sums up his case briefly (pp. 467–468):

> Marx's theory of classes, then, was poorly representative of what was happening because he made his classes too "hard and fast," or in other words because the particular groups which he called classes were abstractions; because his theory merely indicated a connection but did not attempt to work out the position of the discussion groups among the others, and because the economic basis of groupings was overemphasized in too crude a form.

He also warns against any classification of social groupings that become too rigid (p. 206):

> . . . It is impossible—at least, for any pending scientific problem—to make a classification so comprehensive and thorough that we can put it forth as "the" classification of the population. The purpose of the classification must always be kept in mind. This is because of the limitless criss-cross of the groups. It would only be in a rigorous caste organization of society, or perhaps in a very severe slavery in which one race held another in subjection, that the groups would so consolidate in separate masses of men that a classification—as, say, into white masters and black slaves—would serve for all the leading purposes of investigation. In nearly all cases of government with which we have to deal, and I think I can say in practically all cases in modern society—excepting certain extreme cases of war, and these are more apparent than real—the varying sets of interests will not so settle or

consolidate themselves upon masses of men as to make any one classification adequate for all interests.

On "logrolling," which was a term of opprobrium in 1908—as it still is today for a few starry-eyed members of the political science profession—Bentley comments as follows (pp. 370–371):

> Log-rolling is, however, in fact, the most characteristic legislative process. When one condemns it "in principle," it is only by contrasting it with some assumed pure public spirit which is supposed to guide legislators, or which ought to guide them, and which enables them to pass judgment in Jovian calm on that which is best "for the whole people." Since there is nothing which is best literally for the whole people, group arrays being what they are, the test is useless, even if one could actually find legislative judgments which are not reducible to interest-group activities. And when we have reduced the legislative process to the play of group interests, then log-rolling, or give and take, appears as the very nature of the process. It is compromise, not in the abstract moral form, which philosophers can sagely discuss, but in the practical form with which every legislator who gets results through government is acquainted. It is trading. It is the adjustment of interests. . . . There never was a time in this history of the American Congress when legislation was conducted in any other way.

On the shifting relationship between the presidency and the Congress, Bentley has this to say (p. 351):

> If group interests tend in a certain direction, and are checked in their course through Congress, they will find their way through the presidency. If the group interests take permanently a form which makes Congress an inadequate agency for them then the presidency will consolidate its power. If on the other hand the shifting of the interests or the change in Congress makes the latter agency adequate, then the presidency's power will readjust itself accordingly.

And on the Justices of the Supreme Court (pp. 393–394):

> . . . so far from being a sort of legal machine, they are a functioning part of this government, responsive to the group pressures within it, representative of all sorts of pressures, and using their representative judgment to bring these pressures to balance, not indeed in just the same way, but on just the same basis, that any other agency of government does. . . . .
>
> The Supreme Court will effectively use whichever line of reasoning it wishes, to state and explain to the country the decision which it will actually render on lines which, although passing through reasoning, are reasoning's masters, not its servants. The most perfect of logical machines, set to the Constitution and to all the precedents, would have pathways through which it would deliver simultaneous contradictory judgments on the same point without the slightest shock to its mechanism. Compared with the multiform irregularities of the pressure of the interest groups in a highly complex society, the finest legal logic is but a trivial fly-by-night, and the very essence of unreliability.

And on the "policies and theories" of political parties (p. 422):

> We *find the formal policies and theories of parties in varying degrees of representative*ness, some of them maintaining themselves for protracted periods and becoming such ingrained habits on the discussion level that they survive there for considerable periods after the group interests underlying them have so shifted that they are no longer adequately represented by them. We find the theories entitled to attribution of potency in direct proportion to the adequacy with which they represent the underlying interests; with allowance only for the dregs and driblets of theory left behind, pretentious but with trifling

> potency, in transition periods. We find the whole process masquerading itself in the phraseology of the "public interest or welfare," which is a something non-existent except on the discussion level, save in times of a violent opposition of one nation as a whole to some other or others, in which case it represents not the whole society under consideration but only the particular nation as one group in the larger society in which the interaction—war, tariff dispute, or what not—is going on.

Although some of the materials in *The Process of Government* may appear dated, it will often be found that they merely need a little retouching to bring them completely up-to-date. For example, Bentley poked fun at those who wrote about government in terms of its formal structure and incidental attributes and then added some window-dressing on practical problems of the day (pp. 162–163):

> Your political scientist thinks he is going a long way afield and that he is meritoriously portraying "actual" government when he inserts in his work some remarks on the machine, the boss, and the practical virtues and vices of men practicing politics. . . . But the boss himself is almost as formal an element in a political science as is the president or governor. When you state him you have not stated the living society. You must still go behind to find what are the real interests that are playing on each other through his agency. A discussion of the work and defects of a state legislature carries one nowhere as long as the legislature is taken for what it purports to be—a body of men who deliberate upon and adopt laws. Not until the actual law-making is traced through from its efficient demand to its actual application, can one tell just where the real law-creating work is done, and whether the legislature was Moses the law-giver or merely Moses the registration clerk.

Today most political scientists do better. Yet we still have the political scientist who explains legislation in terms of the external characteristics of government and then adds some "worldly-wise" comments on logrolling by politicians and lobbying by pressure groups. He thinks he thereby gives the real "low-down" on government. But so long as his formal approach is basic to the analysis and his so-called "realistic" approach incidental, the two can never be properly blended and his efforts at explanation remain superficial.

At times Bentley appears to overemphasize the role of interest groups and pays insufficient attention to the inherent characteristics of government agencies themselves. Bentley himself recognizes this. "I put the emphasis continually on these underlying pressures," he writes in one of the concluding chapters (p. 444), "merely recognizing from time to time that a bureaucracy or an army or a royal family was an interest group in itself, and similarly that a legislature might have its own interest. That was done because these bodies from the ordinary point of view get immensely exaggerated emphasis as independent forces, and my object was to break down that independent position attributed to them, and to show them in their full representative aspect." At other times, as in the case of the judiciary, he deliberately overemphasizes the fact that a government agency may have a special interest of its own.

As a result, we find in the literature on pressure groups occasional criticisms of Bentley for an allegedly one-sided approach. Merle Fainsod in his extremely valuable chapter, "Some Reflections on the Nature of the Regulatory Process,"[2] finds that a shortcoming in the Bentley scheme of analysis is the failure to examine "the medium in which group interaction takes place or the underlying context of institutional arrangements out of which the interest groups themselves take shape, and within which they are compelled to function. . . . " He develops the thesis that the process of government regulation must be analyzed on the following three levels: "(1) the conditioning factors which make up the institutional context of regulation, (2) the parties in interest who are concerned with the character of regulation, and (3) the actual political instruments which provide the pattern of operative controls." But when one looks at *The Process of Government* as a whole instead of being misled by a few points of deliberate overemphasis, it becomes apparent that Fainsod's three-level approach is merely one way, and an extremely useful one, of restating Bentley's hypotheses.

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[2] C. J. Friedrich and Edward S. Mason (eds.), *Public Policy* (Cambridge, 1940), pp. 297–323.

Robert MacIver seriously misconstrues *The Process of Government* by saying that for Bentley, "a legislative act is always the calculable result of a struggle between pressure groups, never a decision between opposing conceptions of national welfare." He then sets up in opposition to this straw man the thesis that "the whole logic of democracy is based on the conception that there is still a national unity and a common welfare. The fact that the interest in the common welfare cannot be organized after the fashion of specific interests should not conceal from us either its existence or the need to sustain it."[3] To trace through all the tangled skein of thought embodied in this capsule-size comment would take more space than is available in this review. Suffice it to suggest at this time that for Bentley opposing conceptions of national welfare *are* a vital part of the struggle between various groups; that "the whole logic of democracy," despite MacIver's dictum, is probably more firmly based on the conception that opportunities be provided for competition between opposing conceptions of national unity and common welfare; and that MacIver, like most of us, suffers from an occasional inability to make a clear distinction between what he believes *is* and what he believes *should be.*

But neither Fainsod nor MacIver has attempted to go into the subject matter of *The Process of Government* in sufficient detail or with sufficient thoroughness for one to regard his comments as a comprehensive critique. What is worse, few political scientists have gone into the matter as much as Fainsod and MacIver. As MacIver observed in 1934, in words that are scarcely less applicable today:

> In general, the theory of the function of pressures in society still awaits development. . . . There is lacking on the whole any effective analysis of the relation of social pressures to social conflicts; of their role in the building up and breaking down of social structures; of the conditions under which they are most effective and of the various types of pressure which develop in different cultural situations; of their manipulation of the symbols and their attachment to the thought forms in or through which the mores of the various groups find expression.[4]

As a result, while there is a growing body of research in social pressures and group activities, the lack of intensive theoretical development in the field has meant that much of this work is based upon incomplete or narrowly conceived statements of the problem and therefore lacks sufficient significance in the development of our understanding of political activities.

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[3] *The Web of Government* (New York, 1947), p. 220.

[4] *Encyclopaedia of the Social Sciences,* Vol. 6, pp. 347–348.

It would be easy, indeed, for those who have more recently participated in the rediscovery of *The Process of Government* to enshrine both book and man on a high pedestal. A neglected octogenarian of such broad accomplishments could well serve as good material for the creation of a Latter Day Saint, particularly through the projection of latent father images by daring young political scientists who might feel that they need some symbol of authority behind them if they touch dangerously on tender subjects.

Yet Bentley's analysis itself cries out against any kind of enshrinement. *The Process of Government* was an attempt to fashion a tool. Bentley would be the first to insist that what he had to say in 1908 was far from being an apocalyptic revelation then and could not possibly be so regarded now. It was not and is not a final point in the analysis of social pressures. Unfortunately, because of the lack of sufficient work in this important field of analysis since 1908, it is still the best starting point for future work. What is needed today is more effort to use the tool that Bentley helped to fashion, to use it as scientifically as it was designed, and to improve it in the using.

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The Theory and Practice of Communism; An Introduction. BY R. N. CAREW HUNT. (London: Geoffrey Bles; and New York: The Macmillan Company. 1950. Pp. viii, 232. 12s 6d; $2.75.)

The Coming Defeat of Communism. BY JAMES BURNHAM. (New York: The John Day Co. 1950. Pp. viii, 278. $3.50.)

Here are two books, each concerned with the relation between political thought and political action. Each analyzes the relation between thought and action in the past, including the very recent past, and each also seeks to add to the thought that will influence further action. They are concerned with the greatest and most immediate of all the action problems that now confront the western mind. And by all standards they are substantial. Each brings to the discussion a real contribution. Yet each of them, and both together, beg some questions.

Why does one write a book about Communism, or a book on what to do about Communism? Because Communism is a very important matter, one may say. This, however, gives only a subjective answer. One may write a book simply because one is deeply concerned. But after all, books are supposed to communicate something, to somebody, to some effect.

While the reviewer has been reading these books certain things also have been demonstrated, concerning the relation of thought and action in the present scene, with reference to Communism. It has been shown in the spring of 1950 that perilously few people in the United States are well informed about Communism. The question has been raised whether we can trust the testimony of former Communists about Communism, as if those who tell the truth and those who lie can be distinguished according to what they know. The question has been raised whether our institutions, resting upon our constitutional procedures, and upon our trained minds, and upon our ability to thrash out agreements or to leave special problems to special agencies or experts, can master the problems presented to us by Communism at home and abroad. This question has not been asked as explicitly as the first, but the effort to answer it has been explicit, in the form of proposals for a special commission of some sort to wrestle with the matter. It has become apparent that not many people know much about Communism, that not many know, or think they know, what to believe about it, and that those who think they know a good deal about it disagree widely as to how to recognize it, how to guard against it, what is important to know about it.

Against this background, the books may be judged in a light that differs from the ordinary. The questions arise: to whom are the books addressed, what do they say that is worth knowing, what needs do they fill and what needs do they fail to fill?

The books, both of them, are addressed to too few. This does not mean that their sale should be small. Even a good sale may be measured as, let us say, fifty thousand copies. The Burnham book might sell that widely, or more. The book by Carew Hunt will probably please its publishers if it sells even much less. The Burnham book offers an outline of how to conduct the cold war. It emphasizes many factors and considerations that need such emphasis and seldom get it, and it repudiates many supposed factors that are often given undue weight, and repudiates them with cogent reasoning. The Carew Hunt book summarizes the history of Marxist-Leninist-Stalinist doctrines and the history of the influences that have worked upon them, including the influence of circumstances, too often neglected in historical analysis of theory or doctrine.

What if such books are bought by ten or fifty thousand people, or more? To what extent and in what way will they contribute to good public information?

Burnham takes the struggle between the United States and Russia substantially as a premise. He rejects the notion that enduring peace can be established in this world by any such minor gadgetry as has been applied thus far. He therefore proceeds to argue the case for a strategy designed to win the cold war, keeping his argument almost wholly to the strategic and international level. In the course of it he lays about him with his familiar vigor. Of Europe he insists that we cease to take for granted that Europe can be either what it was or what we hope. Of diplomacy, he holds that it was an art specifically suited to the international world of the past. On this point readers of Hans Morgenthau's *Politics Among Nations* will recognize an issue for debate on the role of diplomacy in this new world so remote from Grotius. This reviewer would side with Burnham. Burnham also calls for a vigorous application of all the techniques of cold war, for unconventional operations, and gives an almost exaggerated emphasis to resistance movements. He bemoans and derides the confusion in the American capitalist class today that makes them so inert in using their wealth and ability to aid a fight in which their stakes are great. And he points to weaknesses in the Russian or Communist power system that may help to bring us victory. In short, the book raises many issues, identifies many factors, and says many things that have not been said in such an organized way, and some that have not been said clearly before.

Yet the book is less than a handbook. Mr. Burnham gives little attention to the internal social and economic and political problems of countries. He begs the question of how solid anti-Communist power is to be created or maintained in many places. He says little of the dynamics of technology, with its impact on the structure of international trade and the gigantic demand of the world for American goods, and the incapacity of the world to pay for them. He says little or nothing of the sense in the peoples of the world that their lot can obviously be better, of their ignorance and ours of how to make it quickly better without destroying the foundations of order and thus playing into the hands of the *ersatz* order of dictatorship. And though he hammers at the significance of a knowledge of America, he seems uncertain how to address America.

He speaks of the "often brilliant but ingrown intellectual circles of the northeastern seaboard, which draw their spiritual fuel from Europe and the Soviet Union rather than from America, and whose members have for the most part never seen a factory in Detroit, or an oil well in Texas, the vegetables in the Imperial Valley, a grain field in the Big Bend," and a number of other sights. Now such writing is open to examination. Actually who has seen all the sights he mentions? A few professionals or ardent tourists have seen these sights, and none of the people who actually inhabit these scenes have viewed them all. Burnham has a style of thought and of writing that is addressed, if to anybody, to "the brilliant but ingrown intellectual circles." His writing style varies, but the variance is that which occurs between the chapter that is a labor of love, and the chapter that was a labor. His choice of when to be literal and when to speak through inference is the choice of the intellectual set.

Carew Hunt has attempted a quite different task. He has reduced to a remarkably small space an account of the history of Communism from 1848, and earlier, down to the stage of the effort to wreck the Marshall Plan. What he has accomplished is remarkable. From materialism and the dialectic to the successive Internationals, through all of the principal events and issues, to "socialism in one country" and present day Stalinism he makes his way with brevity and economy, yet without elision. He attempts and fairly well succeeds in an often espoused but seldom seriously executed goal of political analysis, the simultaneous treatment of theory and institutions, of doctrine and events. He thereby brings into the equation of the history of Marxist-Bolshevik ideas not only the names of Hegel and Nechaev and Bukharin and Hilferding and all the others, but also the circumstances in which the great turns of thought were taken. On the side of event and circumstance he gives weight to the phases of the growth of capitalism, which did not begin to benefit the working class until after Marx had written his main analysis, to the Paris Commune, and to the Russian Revolution of 1905, and to other major factors. At many points this concentration on the time sequence of events and processes as well as on the books brings clarity to questions of why Marx or Lenin or Stalin chose the direction that they took far better than theoretical analysis alone. He identifies the successive errors of Marxism with conviction and clarity.

The book may well be strongly recommended for several purposes. It is well indexed, as Burnham's is not, and therefore is more useful as a reference handbook. Probably no other single book will so readily give one the gist of the argument on any major point about Communist doctrine. But it is not organized for such use. It is written like a book, in an apparent sequence which conceals the multiple cross relations in which any part finds its possible significance. The chapter heads are clear, for the sequence of the book, but are not clear for the general meaning of each point. One is tempted in the course of reading to devise one's own fresh outline. This does not deprive the book of great usefulness. It would surely make a good introduction to the subject for many a student, as well as a most useful summary for many an expert. Given the subject, one cannot expect that it will never be challenged on any point, but also, given the subject and the inevitability of scholarly problems, this is of little import.

Once more, however, to whom are these two books addressed and what effect may they attain? Those who know Communism well have had to read much and do much thinking. There are several lives of Lenin and of Stalin, and quarrels among the authors and the critics. There are such books as Bertram Wolfe's *Three Who Made a Revolution*, read by few, but containing mines of facts. There are the ponderous writings of the Communist leaders. Who reads them? A few dozen men have read all or most of what is available. A few thousand have read a fairly wide selection. Yet we know that we rely upon what we like to call an "informed public" to provide the dynamics of choice and the basis of power in democracy, and the source of safety for the republic. Today the safety of the republic rests upon the wisdom of the public about Communism as much as about any one subject. The knowledge and the wisdom of the public on this problem leave something to be desired. Of course no book need be read by all in order to have great effect. But it should be read by enough to shape opinion as some books or reports in the past have shaped opinion on an issue. The two books reviewed will not accomplish such results. They are good. They should be read. But one is left wishing and hoping for still more pertinence, still more cogency, still more practical cohesion between the answers and the problems.

GEORGE S. PETTEE.

The Johns Hopkins University.

War or Peace. BY JOHN FOSTER DULLES. (New York: The Macmillan Company. 1950. Pp. vi, 274. $1.00.)

There is still a group which believes that peace is inevitable and security assured if we do the one right thing; that otherwise all is lost. What this one right thing is—create a world federation or an Atlantic Union, support the United Nations more fervently, or swear off power politics—the dwindling group is not agreed upon. Mr. Dulles makes short shrift of it (p. 204).

Against another and growing group which finds equally uncongenial the limitless series of painful choices involved in attempting to preserve an acceptable peace with the Russians, a group which believes that war is inevitable with the only question one of the time and the place, Mr. Dulles strikes harder. His whole book is devoted to supporting the thesis that as free men we do not have to accept submissively the dictate of a stern fate, that we do not have to leave to the future and to the Russians the question of whether there shall or shall not be a third World War, that we can in some measure be masters of our own destiny. It is unfortunate that in his discussion of civilian-military relations he almost implies (p. 241) that the military tend to believe in inevitable war and that civilians do not.

With the author's conception of peace not "as isolation, or as world domination by the United States, or as stagnation" but rather as "condition of community, of diversity and of change" we must agree. In this context he discusses realistically the role of the United Nations in American policy. His important share in developing that policy gives special interest to this part of the analysis. It should go far to counteract the cynicism of the disillusioned who can never forgive the United Nations for not turning out to be a vehicle of automatic salvation. His analysis suggests that even at San Francisco official American policy placed more emphasis on the UN's forum function than on its enforcement function. Of course, neither Mr. Dulles nor the government could have foreseen that one of the Soviet Union's periodic boycotts of UN activities, this time over the presence at Lake Success of a delegation from Nationalist China, would permit the Security Council to order enforcement action in the Korean crisis.

Mr. Dulles probably also did not foresee that by the time *War or Peace* appeared in print he would have returned to the Department of State. The bitterness of the Lehman-Dulles senatorial contest apparently had destroyed his further usefulness in developing a bipartisan foreign policy. Yet the savage attack on the Department of State led by Senator McCarthy changed all this; and, paradoxically, the extreme partisanship of the New York senatorial campaign gave added value to the demonstration of bipartisan unity involved in his return. Foreknowledge that he would again be serving under a Democratic president might well have caused him to modify his chapter on "Bipartisanship in Foreign Policy." Throughout the book there is the suggestion that the *Democrats* at critical moments played party politics, while counting on Mr. Dulles and the Republicans to forego partisan advantage in the national interest.

War or Peace is a sensible book which ought to be widely read, even if in its autobiographical aspects it does suggest that John Foster Dulles has batted

1,000 and that his Democratic collaborators do not have quite such a spectacular batting average.

WILLIAM T. R. FOX.

Columbia University.

The Papers of Thomas Jefferson; Volume I, 1760–1776. EDITED BY JULIAN P. BOYD. (Princeton: Princeton University Press. 1950. Pp. lviii, 679. $10.00.*)

It is perhaps of special significance that this most ambitious and most thoroughly publicized scholarly undertaking ever attempted in this country should be launched at a time when the very concepts on which our political order rests are under attack at home and abroad. It is when the institutions of government seem inadequate to achieve their ends, when rulers appear confused and indecisive, when the stream of events seems to hurry men on to indeterminate and probably undesirable goals they have not sought—it is then that we most need the counsels of our great thinkers, then that we may learn new lessons from a past we are prone to brush aside as too remote from the problems of our time to give us aid or comfort.

Among all the founding fathers Thomas Jefferson has most to offer to the political scientist. At one time or another, throughout a life of eighty-three years, he grappled with all the basic problems of government, experimenting, changing, altering his views and his approach in detail, but never for a moment wavering in his faith that men were capable of governing themselves. It is that lesson we most need today, for if men are not competent for self-government we have been pursuing a phantom for these two centuries past, and it is time we caught up with reality. But if the democratic way of life is valid, if the tremendous achievements of our own brief history are not mere accidents of time and place but are products of a free society, then it is time for us to assert our sovereignty and to renew our faith in the ideals out of which this nation was born.

There is no better place to begin than with the writings of the many-sided Jefferson, which are now to be given to us in their entirety. An outgrowth of a report made to the Thomas Jefferson Bicentennial Commission, this first complete version of the great Virginian's papers has been made possible only through the disinterested cooperation of many institutions and individuals. The *New York Times* gave $200,000 to the work, and the Princeton University Press has assumed the full risk and responsibility for its manufacture and distribution. The Library of Congress, the University of Virginia, the Massachusetts Historical Society, and a long list of other organizations and individuals have generously placed their holdings of Jefferson material at the disposal of the editors; and the skill and learning of the foremost scholars in many fields have been available for the asking. The specially designed type, called fittingly "Monticello," has been set from photoduplicates of original manuscripts, and printed on paper made to resemble that of Jefferson's day.

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* A discount of ten per cent is given to those who subscribe to the entire set.

There are well-chosen illustrations, reproduced in collatype, and a strong, durable, attractively designed binding.

When completed over a period of a dozen years, the *Papers of Thomas Jefferson* will run to some fifty-two volumes, and will include, in addition to public papers and polemic writings, all of the approximately 18,000 Jefferson letters known, and full texts or summaries of the 25,000 or more letters he received during a long and amazingly full life. Of the whole corpus, the editors estimate that not above twenty per cent has ever hitherto appeared in print, nor more than fifteen per cent in any of the four previous editions of Jefferson's works. The present series will follow a chronological sequence through an estimated forty volumes, with the remainder of the set being devoted to such documents as the *Notes on Virginia*, legal, scientific, and literary papers, documents relating to the founding of the University of Virginia, architectural drawings, and similar materials.

The first volume in this ambitious project covers the years 1760 through 1776, and is therefore of particular interest to political scientists. Here is the best text yet published of the important *Summary View of the Rights of British America*, accompanied by admirable historical and bibliographical notes. The various drafts of the "Declaration of the Causes for Taking up Arms," and of the more famous but hardly more significant *Declaration of Independence*, are included, each with its careful, scholarly and illuminating editorial commentary. The "Notes of Proceedings in the Continental Congress" are for the first time extracted from Jefferson's *Autobiography* and authoritatively given a contemporary dating that immeasurably enhances their value as a source. Here, in Jefferson's drafts of the Virginia Constitution of 1776 with their eight pages of editorial explanation, is a better indication than we have ever had in print before of the constructive side of Jefferson's political thinking; and here by way of enlarging and maturing his ideas as to the structure and functions of government, are notes, drafts, and finished versions of legislation that was to effect sweeping social and administrative reforms in Virginia: reorganization of the courts, disestablishment of the church, and revision of the relations between men and property.

Here too, in private letters, is a first hand picture of the revolutionary struggle, seen through the eyes of sturdy individualists who were inclined to blame all of their troubles on the obstinacy of the King and the cupidity of the commercial classes in England. There are accounts of battles by men both shocked and proud. There are long dissertations on the perennial questions of organization and supply of the armies. There is impatience and disgust at temporizing and annoyance with delay. But there is no fear, nor loss of faith in men or institutions. The idea of American independence burgeons quickly in these pages; it appears however, not as a new and at first unwelcome thought, but rather as the maturing of a conviction already of long standing in the colonies. Here are free men in a free world, quietly and grimly ready to risk impoverishment and the traitor's noose to keep it that way.

This first volume of the *Papers of Thomas Jefferson* marks the beginning of a tremendous enterprise, but one well worth the cost in time and money. From every point of view the work is well and soundly done. It cannot fail to add both to the sum of our knowledge and to the breadth of our understanding of the political process. Nor can it fail to impress anew upon all who read it the universality of those ideas that Jefferson so freely molded to his own pattern. Through this and the succeeding volumes Jefferson will tell us, as he told our forefathers a hundred and fifty years ago, that however difficult and complex the problem of self-government may appear, it can be solved by intelligence and tolerance and determination, by holding fast to our faith in the worth and dignity of man.

CHARLES M. WILTSE.

Washington, D. C.

James Madison; Father of the Constitution, 1787–1800. BY IRVING BRANT. (New York: The Bobbs-Merrill Company, Inc. 1950. Pp. 520. $6.00.)

This is the third volume of Brant's notable biography. Its predecessors dealt with Madison as the Virginia Revolutionist (1751–1780) and as the Nationalist (1780–1787). It is itself concerned with fourteen years which are of immense significance not only to the student of the man and statesman but also to the political scientist in his use of the historical method. Of the 461 pages of text 218 are devoted to the framing and ratification of the Constitution. The rest carries the story from election to the First Congress through the Virginia Resolutions.

The author is not content merely to trace in detail and with special reference to Madison's part the generally familiar events of this decade and a half. By careful analysis and bold interpretation of the records he takes definite stands on critical questions. In so doing he makes a challenging contribution to our constitutional history.

The bases for this appraisal are too numerous to list, much less to elaborate, in a short notice of the work. It must suffice to whet the appetite of the potential reader by mentioning a few examples. As a framer Madison is shown to have been a nationalist; and the beginnings of his shift are frankly traced. Thus in his position on the constitutionality of the bank "he was arguing against himself." The "spectacle of chronic abuse" of federal power "propelled him into a lifelong argument against some of the most important principles he had helped to plant in the Constitution." He "could easily discover a constitutional bar to doing what he did not want done."

Every student of the work of the framers needs to read the treatment of general power versus enumeration and of the relation of the western lands question to the small state position. The relations between Madison and Jefferson in the building of Jeffersonian Republicanism and in connection with the Virginia and Kentucky Resolutions are interpreted. In regard to Madison's position on Hamilton's plan to fund the debt it is said: "Had he possessed personal glamour the next political phenomenon in America would have become known as Madisonian democracy."

To close on one of the lighter touches of the volume: Patrick Henry's unsuccessful efforts to defeat Madison in the first congressional election under the Constitution "took the form of what should have become known as the Henrymander instead of the Gerrymander."

JAMES HART.

University of Virginia.

The Public Papers and Addresses of Franklin D. Roosevelt: 1941, The Call to Battle Stations; 1942, Humanity on the Defensive; 1943, The Tide Turns; 1944–45, Victory and the Threshold of Peace. EDITED BY SAMUEL I. ROSENMAN. (New York: Harper and Brothers. 1950. Pp. 632, 552, 593, 634. $40.00.)

Some years ago a newspaper literary critic was given the improbable task of reviewing the *Encyclopaedia Britannica.* He started out his notice by saying: "Reviewing the *Encyclopaedia Britannica* is like sitting down to eat a battleship." The *Public Papers and Addresses of Franklin D. Roosevelt* constitute similar indigestible fare for a reviewer. These volumes, covering the last four years and three months of the Roosevelt regime, are not literature, or even history. They are the raw materials of history, the product of the most gifted and influential public figure of his generation.

For materials of this sort, the task of the reviewer is to report on what is included, rather than to appraise the contents. But political scientists already know what to expect from these four volumes, since the type and arrangement of materials included follow the same pattern as in the nine preceding volumes. There are close to 150 documents in each of the volumes—executive orders, proclamations, messages to Congress, radio talks, campaign speeches, letters to Congressmen or administrative officials, transcripts of press conferences. Judge Rosenman has supplied the explanatory notes which in the earlier volumes were attributed to President Roosevelt.

The complete shelf of thirteen volumes of Roosevelt papers constitutes an unparalleled body of source material on the public affairs of almost two decades. They are a testament, along with the Hyde Park Library, to Roosevelt's strong sense of history. He never threw away anything, even Christmas cards or old baseball passes. The care with which he planned for the transfer of every scrap of material from his files to Hyde Park should be in itself sufficient refutation of the plots and conspiracies discovered by the Roosevelt-haters. Men who have something to hide burn their papers, as Harding did.

These volumes are, by definition, limited to materials which illuminate Roosevelt's public personality. The only documents included which do not represent prepared public utterances are the press conferences—the 998th and last was held on April 5, 1945, at Warm Springs—the records of which offer an opportunity to study the technique of press relations which Roosevelt made famous. But the many facets of his private personality are being explored in a stream of books and memoirs whose constant growth seems to assure that Roosevelt will be the subject of more writing than any other figure in American politics save Lincoln.

The four volumes of this set cover the climacteric of the Roosevelt story. The first volume begins with the third inaugural address. The fourth volume closes with the undelivered speech for Jefferson Day, which was to have been given on April 13, 1945. The last page of the draft, on which he was working April 11, is reproduced. The final paragraph went:

> Today, as we move against the terrible scourge of war—as we go forward toward the greatest contribution that any generation of human beings can make in this world—the contribution of lasting peace, I ask you to keep up your faith. I measure the sound, solid achievement that can be made at this time by the straight edge of your own confidence and your resolve. And to you, and to all Americans who dedicate themselves with us to the making of an abiding peace, I say: The only limit to our realization of tomorrow will be our doubts of today.

Then the facsimile shows a new concluding sentence added to the typed draft, in the President's own hand. It was to be the last of countless memorable sentences, and a symbolic epitaph: "Let us move forward with strong and active faith."

C. HERMAN PRITCHETT.

University of Chicago.

The American People and Foreign Policy. BY GABRIEL A. ALMOND. (New York: Harcourt, Brace and Company. 1950. Pp. x, 269. $3.75.)

Gabriel Almond's *The American People and Foreign Policy* is the latest volume in a series of distinguished monographs published by the Yale Institute of International Studies, this country's most prolific group of historians, economists, geographers and sociologists teamed in international relations research. This study owes much to that vigorously eclectic approach to international affairs which the Institute has fostered throughout the fifteen years of its existence.

Of late, eminent natural scientists, psychologists and physicists, shocked into awareness of social and political phenomena by man's increased powers of destruction which they themselves helped unwittingly to forge, have turned their capacious minds to the problems of international politics—only to come up with thumping platitudes. Similarly, international relations experts, steeped in academic and legalistic traditions, "discovered" the connection between diplomacy on the one hand and geography, sociology, psychology, economics and military science on the other. The literary results of this revelation constitute, more often than not, agglomerates of unrelated concepts, profuse verbalizations devoid of concrete information about practical international politics. By contrast, Dr. Almond's quest for synthesis has yielded a highly readable and stimulating book which the practitioner should find provocative as well as helpful. Dr. Almond used his diverse tools deftly and put his arguments into language that is, on the whole, comprehensible to the reader untrained in any one of the several disciplines in which the author is at home. There are aberrations. Not a few passages are couched in the involuted slang affected by hermetic schools of sociology. But, once he has shaken loose from sticky neologisms, Dr. Almond manages to say what he means and to say it forcefully and clearly.

Dr. Almond anchors his investigation to a proposition about the paradoxical tendencies of the American character which determine the formation of public opinion concerning foreign policy and condition that policy itself. He views the collective American personality as rent by ambivalences. Critical examination of the literature from de Tocqueville—whose splendid prose, incidentally, shines all the more luminously amidst quotations from contemporary writings—to Margaret Mead, Geoffrey Gorer and Clyde Kluckhohn, leads Almond to restate the problems of American dualism in terms of mood and policy. " . . . On questions of a more remote nature, such as foreign policy, [Americans] tend to react in more undifferentiated ways, with formless and plastic moods which undergo frequent alteration in response to changes in events." The explanation Dr. Almond advances for this phenomenon resembles closely that given by Gorer: "To some extent American political apathy is a consequence of the compulsive absorption of energy in private competitiveness." Stimulated by external crisis, Americans tend to break out of their private orbits—only to relapse into indifference once the menace has been met by a spectacular release of tremendous national energies. The ambivalent pattern of withdrawal-intervention, as well as the alternation of idealistic and cynical public attitudes towards world affairs, derives from a basic American cultural trait: the conflict between Christian—private—ethics and the ambiguous—public—mores of the "market place" and rough-and-tumble politics. Hence the "instability of mood" which Dr. Almond deems the most pronounced and consequential characteristic of the American public confronted with the perplexities of foreign policy.

Dr. Almond, seeking, to track down the gyrations of this instable mood, falls back upon the findings of the "pollsters." These findings, Dr. Almond quite rightly insists, are all we have of systematic research on public opinion and are thus the indispensable material from which regularities or absence of regularities in American behavior under the stresses of international politics can be deduced. Dr. Almond is fully aware of the shortcomings of the polls and handles the available data with commendable care. Indeed, the results of this treatment reveal a great deal about the "instability of mood." They suggest that that mood yields its enigmas as readily to intuition as to the most painstaking statistical analysis. Statistical analysis does underscore an important feature of opinion formation according to classes: the lower income groups are woefully uninformed as regards world affairs, and "a greater tendency towards apathy and withdrawal in the personal sense among the lower classes may produce a bias in the direction of political withdrawal or isolationism." In other words, the digressions on foreign affairs by our better magazines and such responsible newspapers, as, for example, the *New York Times*, fail to influence the thinking of the "lower classes," to wit, of at least one-half of the nation. When we then contemplate the yawning gap separating "informed" public discussion from the intricate and subtle calculations which go into the making of foreign policy, we can calmly dispose of campaigns directed at the speedy enlightenment by mass media of the American people about their "stake in the world" as a waste of energy at best, dangerous over-simplification at worst. This does not mean that the man-in-the-street does not respond to intelligent leadership. He most certainly does so whenever leadership is offered. His instinctive grasp on international realities has often turned out to be a great deal surer than that of his intellectual betters who were, and still are, prone to cling to what Lincoln called "pernicious abstractions."

Dr. Almond, confronted with the dilemma of differentiated public attitudes, turns to the examination of elite thinking on foreign policy. He acknowledges his debt to Vilfredo Pareto, and assures the reader that Pareto's concept of the elite, purged of Pareto's alleged cynicism, "is not inconsistent with democratic or any other forms of control." Though Pareto's precise concept seems in no need of ideological de-contamination, Dr. Almond insists that it is not incompatible, as the "elitists" aver, with "the possibility of a form of political division of labor in which the people have an effective share of influence,"—a possibility decidedly not ruled out by Pareto.

The last four chapters, perhaps the most interesting of Almond's interesting book, contain a typology of elites according to function and according to interest and specialization; a survey of the programs of the diverse groups that make up the broad consensus on American foreign policy, such as the CIO and the AF of L, the Chamber of Commerce and the NAM, the farm organizations, the church organizations, the women's organizations, and ethnic groups; and, lastly, the programs of organizations which represent the end deviations beyond the limits of the basic consensus (or ideology) of American foreign policy, i.e., the "radical appeasers" and the "reactionaries" such as the fellow traveling groups, the extreme nationalists, the pacifists, and the world federalists.

Dr. Almond clearly recognizes that the typology of his own devising is but a rough model of a far more complex reality. Interests and programs overlap. There are hints—not infrequently broad ones—of isolationism in some of the most ostentatiously internationalist programs. Some of the most "reactionary" groups are militantly pacifist or interventionist. If anything becomes obvious from Dr. Almond's survey it is the absence of a pattern and the inadequacy of any hypothesis about American group behavior under any and all circumstances.

Dr. Almond's final recommendation is a modest one, reflecting the author's comprehensible disenchantment as he comes to the end of his arduous struggles with so elusive a subject matter: "Perhaps the wisest procedure at this stage of comparative American safety would be directed at the twofold aim of creating general public confidence that future contingencies are being planned for by the responsible agencies, and indoctrinating the elite groups in the military and civilian defense problems of the future. This is, perhaps, the only kind of psychological 'fire drill' which is possible today."

This is approximately the kind of program with which the State Department appears to be experimenting, though it is not always certain where along the line of its endeavors indoctrination ends and salesmanship begins. In perfecting this program government experts should consult attentively Dr. Almond's discerning and profound study.

ROBERT STRAUSZ-HUPÉ.

University of Pennsylvania.

Sykewar; Psychological Warfare Against Germany, D-Day to V-E Day. BY DANIEL LERNER. (New York: George W. Stewart. 1949. Pp. xviii, 463. $6.50.)

It is regrettable that so excellent a book has been given so inexcusable a title. One can only hope that persons allergic to such words as "Sykewar" (meaning psychological warfare) will not be tempted to stay away from the book in the first place and that, if they do by any chance pick it up, they will not throw it away when they see that "propanal" is used regularly for "propaganda analysis"!

This book contains as complete and thorough an analysis of the various phases of psychological warfare as any known to the reviewer, who, as an ex-psychological warrior himself, makes a point of noting the literature in the field. Mr. Lerner not only participated personally in the campaigns of which he writes, but he sought and received advice and guidance from many of his former colleagues who occupied positions near the top of the hierarchy of the Allied Forces in the European Theatre during World War II. He also acknowledges the assistance of Harold Lasswell, whose influence is obvious throughout the study.

Following an incisive foreword by General Robert A. McClure, who directed the Psychological Warfare Division of the Allied Expeditionary Forces in Europe, the author relates general policy and propaganda in World War II to the specific problems of psychological warfare. In a chapter on policymaking, he reviews the many problems posed by the allied insistence on unconditional surrender of the enemy—a pronouncement that seriously curtailed the potential effectiveness of psychological warfare in every theater of operation. However, as Mr. Lerner properly notes, psychological warfare policy must be shaped to assist the achievement of top-level strategical objectives and not *vice versa.*

In successive chapters, the author reviews the organization, personnel and personality, and intelligence operations of psychological warfare in Europe. A detailed case study of operations in Germany follows, including an analysis of themes, techniques, media and special operations involved. The easily readable text is thoroughly documented by notes conveniently grouped at the end of each chapter. A supplementary essay by a British member of the SHAEF Psychological Warfare Division presents some interesting insights into the conduct of the campaign in Germany. A fifty-two-page bibliography and a fifty-page appendix are highly useful parts of this study.

How effective was psychological warfare in shortening World War II? On probing the evidence deeply with Mr. Lerner, one has no hesitancy in concluding with him that we know comparatively little about the actual effectiveness either of propaganda in general or of psychological warfare operations in particular. Unfortunately, the haste with which most of us packed up and went home after V-E and V-J Days precluded our making the painstaking studies of the effectiveness of our work that would have been useful to social scientists today. We know that billions of leaflets were dropped and hundreds of broadcasts were made. We know that clever themes were used and novel techniques of dissemination employed. We know that Very Important People both praised and blamed our work. (There is reason to believe, however, that neither the President of the United States nor his Secretary of State had the slightest concern about psychological warfare activities. Pp. 60, 314.) We have bits of evidence here and there to suggest (a) that psychological warfare was useful and (b) that psychological warfare had little effect on the outcome of the war. But we are not justified in making any general assessment of psychological warfare on scientific grounds.

Will psychological warfare have any uses in the foreseeable future? Probably not by the United States, says Mr. Lerner, as long as our economic and technical weapons are our strongest weapons. Should our predominantly economic strategy ever prove to be inadequate against a predominantly ideological strategy, however, our political leaders will feel the need for the employment of professional propagandists. "Now, therefore, is the time for policy scientists to grapple with these problems of policy and propaganda in order to clarify issues and specify needs before they begin to be felt by politicians," because needs may be felt too late.

CLAUDE E. HAWLEY.

U. S. Office of Education.

Nationalism and Internationalism; Essays Inscribed to Carlton J. H. Hayes. EDITED BY EDWARD MEAD EARLE. (New York: Columbia University Press. 1950. Pp. xvii, 510. $5.75.) ✓

For those who are to extract maximum profit from this collection of essays, Carlton Hayes' *Historical Evolution of Modern Nationalism* is required reading. Hayes' influence on his stronger and brilliant students was obviously profound and infectious. To pay tribute to him, seventeen of them whose respective doctoral works were completed under his direction have dedicated this collection of first-rate historical essays to their master's favored theme.

But while *Nationalism and Internationalism* is the omnibus title assigned to the collection as a whole, there can be no mistaking the fact that the essays deal in the main with *nationalism*. Only two essays turn on international themes. One of these is a somewhat labored attempt (by Charlotte Muret) to demonstrate that the Swiss Federation could serve as an example for larger states seeking to solve their problems of international organization; the other (by John H. Wuorinen) turns on the effect of nationalism on efforts to create an inter-state organization among the Scandinavian states.

With neat and discriminate tact, Professor Earle has arranged the essays according to the alphabetical order of their authors' surnames. In so doing, he admits the difficulty of providing the reader with a sustained development of themes or ideas and, in effect, reconciles himself to the presentation of essays touching often disconnected facets of the major theme of nationalism. On their intrinsic merits, most of the essays would qualify for publication in the leading professional journals. Sometimes the documentation—as in Mary Townsend's effort to demonstrate that Hitler was concerned with the colonial question—belabors the obvious; and occasionally the authors concern themselves with minute narrative trivia. On the whole, however, the political scientist can read these essays with great profit to himself, finding in them suggestive approaches and developed ideas that throw light on his own discipline. He will find Thomas Peardon's essay on Sir John Seeley, a Victorian scholar now largely forgotten, particularly refreshing.

Several essays deal with specific historical episodes: Beatrice Hyslop writes about Franco-Spanish diplomatic relations shortly after the French Revolution; John Rath explains the currents of public opinion in Lombardy-Venetia in 1814–1815, following the entry of Austrian troops into the area; Walter Langsam examines the philosophy of nationalism in the German schools under William II. But the majority of the essays deal with personalities, and are most revealing of the man-made nature of the national idea. Jacques Barzun explains the importance of Hector Berlioz in the development of French cultural nationalism. Essays on "Big Jim" Larkin (by Jesse Clarkson), Hegel (by Charles Cole), Klopstock (by Robert Ergang), Friedrich Naumann (by William Shanahan), H. G. Wells (by Edward Earle), and Arthur Young (by John Gazley) are very competently done and throw significant light on nationalism in Ireland, Germany and Great Britain.

Two important limitations prevent the collection from living fully up to its title. One of these is geographic. Nationalism is examined in its Western European and Anglo-American contexts, and, so far as the authors are concerned, such areas as Eastern Europe, the Far East, Southeast Asia and Latin America are ignored. The other limitation, from the point of view of the political scientist, is the emphasis on history and the lack of concern with nationalism and internationalism in 1950. An essay by Geroid Robinson on "American Thought and the Communist Challenge"—reprinted from *Foreign Affairs*—might have been the exception to both of these limitations, but proves to be nothing more than an exhortation to Americans to develop an effective and militant ideology of democracy suited to the continuous crises of these years. In accepting these limitations on the scope of their separate essays, the authors have consciously or otherwise confined themselves to the major areas of interest, in time and space, of Carlton Hayes himself.

As an end result, these essays do not break new ground, even though they are judiciously written and carefully annotated in the best traditions of historical scholarship. They are, in effect, historical footnotes documenting and elaborating upon the conclusions so forcefully developed in Hayes' major works. Perhaps a strong teacher may lay *too* heavy a hand on his disciples! But the world of historical scholarship is much healthier than it would have been without Carlton Hayes, and his leavening influence provides political science with a more secure historical frame of reference.

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The New World of Southeast Asia. BY LENNOX A. MILLS AND ASSOCIATES. (Minneapolis: The University of Minnesota Press. 1949. Pp. ix, 445. $5.00.)

Professor Mills and his associates have accomplished for Southeast Asia what Professor Fairbank achieved for China in *The United States and China* a year earlier. Both books can be expected to remain the best single volumes on their respective subjects for many years.

Asia's Balkan tinderbox is probably more important and less understood than any other region in the critical world affairs of the moment. In view of possible Communist expansion south from China and the hopes of stopping it by the implementation of "Point IV," this book certainly should be on every Recommended Readings list. "To explain the present situation to the university student and the general reader" (p.v) is a commendable objective which *The New World of Southeast Asia* has consummated with real success.

The broad picture is composed by Professor Mills in a superb introductory chapter which outlines the principal common features: western interests, Communism, policies of the colonial powers, and Chinese interests. Recognizing that no individual could adequately paint in the detail of the several widely divergent peoples, a number of top men in the field have been called upon: Claude A. Buss, "The Philippines;" Amry Vandenbosch, "Indonesia;" John F. Cady, "Burma;" Charles A. Micaud, "French Indochina;" and Kenneth P. Landon, "Siam." Lennox Mills covers "Malaya" and also pulls many loose ends together in "Problems of Self-Government." Victor Purcell provides significant data on "The Chinese in Southeast Asia" and Roland S. Vaile soundly presents the fundamentals of "Southeast Asia in World Economics." The book is concluded in a summary chapter of remarkably amassed, yet concisely evaluated, facts on "International Relations in Southeast Asia" by Claude A. Buss.

This symposium does have the usual shortcomings. There is some disjointedness, but it is minimized by the warp of contemporary political, social and economic threads stretched throughout. And repetition only adds emphasis to such potent facts as "the average annual income of the peasant family [in Java] was under $30" (pp. 103 and 335).

Of the many succinct but meaningful statements worthy of quoting, a few have been selected at random: "At present the Marshall Plan disguises the situation. . . . " Failure to restore "the former triangular trade with Southeast Asia" will "have serious consequences for the United States as well as for Europe" (p. 4). "Western education is a potent breeder of nationalism, both through what it teaches and because of the unemployed surplus ['intellectual proletariat'] it creates" (p. 295). "Democracy in the Philippines has resolved itself into an oligarchy of the Western-educated minority" (p. 312). "The combination of climate-induced laziness and high birth rate leads to over-population relative to the produced food supply" (p. 354). "The Chinese and Indians will continue to remain [in Malaya] undigested lumps in the body politic" (p. 188). "All the governments in Southeast Asia are anti-communist. That does not mean they are pro-democratic" (p. 428).

Naturally, most readers would wish to elaborate certain points and de-emphasize others. To this reviewer, *The New World of Southeast Asia* offers a well balanced portrayal of current national and international problems. The essential historical background is adequate for each country. However, in the case of the Philippines, for example, it might have been shortened to permit more discussion of how Roxas became President and particularly of the parts played by Andres Soriano (not mentioned) and General MacArthur (only mentioned). This has much more significance than a discourse on "Dewey cocktails" and "Dewey Chewies" (p. 28).

A question might be raised whether Russia's common frontiers with China, and the fact "that Russia approaches Southeast Asia by land" (p. 424), have not been exaggerated in importance over the more practical contact—in terms of bulk cargo shipments and much quicker passenger transportation—across the seas with the "Western" powers.

Written by scholars, this book makes no pretentions of impressing (although it may enlighten) the very few experts on the areas. There are practically no footnotes or citations, but there is a useful list of general references following each chapter and, also, an index.

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The Parliamentary Government of the Commonwealth of Australia. By L. F. CRISP. (New Haven: Yale University Press. 1949. Pp. 336. $5.00.)

January, 1951, will mark the fiftieth birthday of the Commonwealth of Australia. It is fitting that the publication of a full-length study of its democratic parliamentary institutions so nearly coincides with that anniversary, and it is evidence of an encouraging interest in political science among scholars in that area that the author is an Australian.

As one follows Mr. Crisp's account of the national government of Australia, and the comparisons which he makes of its institutions with those of other democracies, one is amazed that such a study was not made long ago. About one hundred pages of Lord Bryce's *Modern Democracies* were devoted to Australia, and certain aspects of its government were covered in A. B. Keith's *Responsible Government in the Dominions*. More recently Australia was included in *Democracy in the Dominions* (1947), an excellent study by Alexander Brady, a Canadian. Geoffrey Sawer, Professor of Law at the University of Melbourne at the time the pamphlet was written, has published an admirable brief, lucid description of *Australian Government Today* (1948). Scholarship is also indebted to Australians and others for studies of federalism, public administration and other special aspects of Australian government, as well as some illuminating political biographies and general interpretations of Australia and Australians.

The fact remains that Mr. Crisp's book is the first full-length, critical evaluation of a democracy of special interest to political scientists because it combines "responsible government," which it brought from England, with the institutions of federalism and judicial review, borrowed from the United States. To these institutions have been added a party system, certain features of which are distinctively Australian.

In ten compact chapters the author discusses the framing of the constitution, the electorate, the Labor party, the "Parties of Town and Country Capital," the Cabinet, the Governor-General, the public service, and the High Court. The text of the Commonwealth Constitution and a bibliography are appended. The writer illumines many obscure corners of Australian politics and the volume is packed with interesting and significant comparisons with Britain, the United States and New Zealand. The material is rich and the text is punctuated with pithy, often witty remarks. In the space of a brief review it is impossible to attempt a summary of so meaty a volume, but the discussion of judicial review deserves special note. Although clearly in general sympathy with Labor, the author's treatment of his subject is objective and the Labor Party will find plenty of pointed, constructive criticism in his pages.

American readers with scant knowledge of Australian history may find the treatment of conflicting social forces too brief for an understanding of the significance of some issues and political alignments. The battle over the "Pledge" within the Labor Party merits fuller discussion, and in the opinion of this reviewer the reorganization of the major wing of the anti-Labor side as the Liberal Party in 1945 was of more importance than the author's brief reference suggests. It is regrettable that the chapters dealing with Parliament could not have been revised after the legislative changes of 1948, and that discussion of these important changes in the size of the House and Senate, and in the method of electing the latter body, has been limited to a brief addendum. To quarrel with a point here and there serves to emphasize rather than detract from the importance of the author's work, however. His study of the national government of the Australian Commonwealth is of permanent value, and contributes much to an understanding of political processes and the relation of the party system to other institutions of democratic government.

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The United States and Scandinavia. BY FRANKLIN D. SCOTT. (Cambridge: Harvard University Press. 1950. Pp. xi, 359. $4.00.)

The great expanse of land and sea from Greenland on the west to the eastern frontier of Finland comprises the strategic unity treated here as "Scandinavia." No longer on the margin of conflict, it finds itself drawn into the vortex of international currents. The revolution in world politics and technology has revolutionized Scandinavian geography. In this excellent account of the forces which have wrought such a change, Professor Scott has given us by far the best informed and most readable account of the people, the society, the economy and the political institutions of "the North" available in one book.

This is not a detailed examination of diplomatic history although it does have much to say about the basic issues in American-Scandinavian relations. It provides rather the necessary orientation for American readers who seek guidance on the direction of events in this vital area of our foreign policy. Half the book lays out the special characteristics of the five countries: Finland, Denmark (and Greenland), Iceland, Norway and Sweden; their "functioning social democracy"; their heritage of war, religion, law and economy; and the ethnic, diplomatic and cultural crosscurrents between them and the United States. A chapter on the tradition, policy and practice of neutrality to 1939 is followed by a most useful summation of the impact of World War II on each of these countries. The final chapter describes their present search for security, including an analysis of the abortive attempt to get a Scandinavian Pact. The appendices provide some useful tabular and bibliographical information. The endpaper maps are very clear and helpful.

The central fact about Scandinavia today is that it is threatened by a common danger but is not prepared to take common action to forestall that danger. Nearly eleven million of its eighteen and a half million people live under governments which are not in fact an integral part of the North Atlantic community for defense purposes. They all maintain their vigorous and indigenous free institutions internally. The people of Finland cling tenaciously to democratic patterns. They are decidedly not behind the iron curtain. Nevertheless they have been blocked from entering the United Nations by the USSR. Nor is Finland free to join the North Atlantic Pact. Sweden's government has chosen not to do so. It will cooperate in economic and cultural programs, but will have nothing to do militarily with "bloc-building." In this "alliance-free" policy it conforms to the prevailing opinion of the country despite the vigorous efforts of such pro-Atlantic Pact spokesmen as Herbert Tingsten, editor of the largest Swedish daily. Before 1939, the Northern countries "were pursuing their special interests through neutrality while others were striving for their interests through war" (p. 204), but thereafter they went down, like the Ten Little Indians, one by one, leaving only Sweden. But Sweden's neutrality was by no means impartial. She "did first what she had to in order to placate Germany; later she did all she dared to help the allies. . . . The Swedes had no intention to follow in the wake of any great power, and no intention to compromise their own well-founded democracy" (pp. 270–271). After the War, the attempt to widen the neutral zone into a Scandinavian Pact failed as Denmark and Norway moved decisively to join the North Atlantic community, which also includes Iceland. Thus Scandinavia is divided. Yet it is one in the basic conviction that Soviet aggression is a dire threat to the whole area. Sweden has joined the OEEC and the Council of Europe, and stands firmly in the UN for the defense of southern Korea, supplying material aid, while Finland has received substantial dollar loans from the Export-Import Bank and the International Bank for Reconstruction and Development. The sober fact remains that Scandinavia from the Norwegian border eastward lies outside the area in which it is possible to apply "the principle of balanced collective forces," as agreed to in London since this book was published.

It is useful to get the picture of American policy from the Northern point of view. They watched the Americans "wholly oppose Russia at one moment, then wholeheartedly ally with her, then reverse the field again." "The vagaries of Congress on the Marshall Plan, approving it, reducing it, reestablishing it, dismayed everyone" (p. 298). Proud of their own democratic achievements, the Scandinavians have sometimes been puzzled about the contradictions between what Americans profess and what they perform. The assumption, often made at home, that our motives and actions will always be generously interpreted abroad, will not bear the test of field observation, even in Scandinavia, which is entirely western in its orientation. The job of informing these peoples about the United States and its policy remains a formidable one; it was not eased by Congress' short-sighted policy of cutting off our broadcasts to this area after V-E day.

The Scandinavians, on their side, are not infrequently dismayed by our ignorance of their part of the world and by the popular clichés that pretend to sum up their way of life. The author is nevertheless confident that the relations between the United States and Scandinavia stand on a firm foundation of friendship and fundamental common interest. His book is an important contribution to a broader appreciation of the problems we face in making that foundation secure. It is a good addition to the "American Foreign Policy Library" under Sumner Welles' editorship.

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John Locke's Political Philosophy. By J. W. Gough. (Oxford: The Clarendon Press. 1950. Pp. vii, 204. $2.50.)

This volume consists of eight studies which are devoted to the following subjects: the law of nature; the rights of the individual; government by consent; Locke's theory of property; the separation of powers and sovereignty; Locke and the Revolution of 1688; political trusteeship; the development of Locke's belief in toleration.

The author has made use of fresh material (the Lovelace collection of Locke's papers) but one can hardly say that he has made a fresh approach to Locke's political philosophy. He approaches his subject along lines which by now have become conventional. He sees Locke primarily as the mouthpiece of a tradition on the one hand, and of contemporary opinion on the other. The approach might seem to be appropriate to the subject. If we can trust Gough, Locke himself did nothing but follow the beaten path: " . . . what [Locke] was really doing, under the guise of erecting a form of government on the basis of freely consenting individuals, was to describe the operation of the traditional English constitution in terms of the political philosophy current in his age" (p. 71). " . . . practically every feature in Locke's political system . . . was, in fact, a common-place of current English political theory" (p. 98; cf. pp. 22, 42, 113, 121, 124, 196). Considering the nature of all "current" political theory, this would explain in a perfectly satisfactory manner why "Locke is full of illogical flaws and inconsistencies" (p. 123), but it would leave one wondering why he achieved a greater fame than the many nonentities whose views he shared. Above all, one would find it hard to understand why "his political doctrines [were] slow at first to win acceptance," even among the Whig leaders (pp. 133, 135).

Gough's view is the outcome of his method. He has tried to understand Locke historically, but his notion of what "historical" means, is much too narrow. His only remark on this subject is to the effect that "it is simply unhistorical to examine [Locke's ideas] in the light of the experience of the nineteenth and twentieth centuries" (pp. 41–42). It is not necessary to discuss whether Gough always obeys this rule and whether, in examining Locke's ideas in the light of the experience of the seventeenth century, he employs the necessary care (cf. p. 35 with p. 189). What is decisive is that by trying to understand Locke's political thought primarily in the light of the political situation of seventeenth century England, he is seduced into understanding Locke's political philosophy as barely more than an ideology of the Revolution of 1688. "He appears to state his political theory in general philosophical terms, as if it were a purely logical deduction from general principles, but if we read between the lines we recognize the historic features of the English seventeenth-century constitution" (p. 70). We may have to read between Locke's lines, but we cannot do this before having laid a solid foundation for it. We would have to know first why he tried "to state his political theory in general philosophical terms." Gough seems to believe that he did this in order to disguise the partisan character of his doctrine (p. 38). The only reasonable explanation, of course, is that it is impossible to approve or disapprove of any actual and hence "individual" constitution without tacit or explicit reference to "universal" principles. To regard Locke's universal principles as secondary in comparison with his acceptance of the English constitution is to put the cart before the horse.

"Political philosophy" is an ambiguous term, but certainly when speaking of the political philosophy of a man like Locke, one must assume that political philosophy is a branch of philosophy. Accordingly, the context within which Locke's political philosophy must be seen primarily is not the political scene of seventeenth century England, but the state of philosophy in seventeenth century Europe. If I am not mistaken, Gough does not even allude to the names of Bacon, Galileo, Descartes and Newton. Seventeenth century philosophy effected, and intended to effect, a break with the philosophic tradition. Locke himself played a leading role in that revolution. It is therefore reasonable to expect that his political philosophy is fundamentally a revolutionary or novel doctrine.

Its revolutionary character is not emphasized by Locke and it is far from being obvious. But this is only what one should expect. The *Civil Government* is meant to serve a dual purpose: to state the eternal principles of politics and to defend a particular political establishment on the basis of those principles. Hence, Locke had to present his principles in a manner which was not merely "philosophical" but at the same time "civil." Gough himself notes that Locke was a cautious man (p. 177). For obvious reasons, Locke had to be much more cautious in the *Civil Government* than in the *Essay.* He had to accommodate, not his thought, but the expression of his thought, to the predjudices of his age. This is the chief reason why one has to read between the lines of the *Civil Government:* one has to distinguish between Locke's universal principles in their undiluted form and the conventional guise in which he chose to present them.

Locke has not made it very difficult for the thinking reader to take his bearings. He indicated his attitude toward the tradition by the way in which he quoted Hooker. He quoted Hooker, as it were, on all occasions when he agreed with him; he practically never noted when he deviated from him. It is the obvious duty of the historian to confront the whole political doctrine of Locke with the whole political doctrine of Hooker. Such a comprehensive confrontation would bring out the fact that a deep and broad gulf separates Locke's political philosophy from traditional political philosophy; it would bring out the revolutionary character of Locke's political philosophy.

From what has been said it follows that the student of the *Civil Government* must pay the greatest attention to the very few passages in which Locke himself states that his doctrine is "strange." Coming across one of these passages, Gough has no other comment to offer than that a certain doctrine which Locke declared to be strange, is not strange any more (p. 88). It is necessary to add that the usual neglect of the *First Treatise* is indefensible. On this subject, Gough merely says: "The *First Treatise,* admittedly, was a controversial work in refutation of Filmer, but this had only a transient interest in its own day and can now be ignored" (p. 122). To mention only one point, one cannot understand the doctrine of the state of nature, if one does not consider its relation to Biblical history; but Locke used much more Biblical material in the *First Treatise* than in the *Second.* Gough notes a difference between Locke and Rousseau regarding the "historicity" of the state of nature (p. 89), but he does not pay any attention to the fact that Rousseau denied the "historicity" of the state of nature because he saw that the doctrine of the state of nature cannot be reconciled with the Biblical account of the origins of mankind. The bearing of this issue on the question of Locke's relation to "current English political theory" should be obvious.

A typical example of Gough's procedure is his discussion of Locke's doctrine of the law of nature. As Gough notes, Locke rejected the view that there is universal agreement of the nations regarding natural law, or, in other words, he admitted no way, accessible to man as man, of knowing the natural law other than "mathematical" demonstration; furthermore, he tried to give natural law a hedonist foundation. Since Gough believes that Locke's attempt was doomed to failure, he concludes that the real basis of Locke's natural law doctrine was traditional faith (pp. 5–10, 16–17). Whatever might have to be said about this conclusion, it cannot even be considered before one has fully realized the fact that the rejection of the *consensus gentium* and the attempt to combine natural law with hedonism presuppose a radical break with the traditional approach. The least one would have to say is that there was a strong tension between

Locke's traditional faith and his effort to think independently. This tension would explain both his caution and his self-contradictions: he may have recoiled from certain consequences of his antitraditional principles. In addition, his attempt to be a rationalist and a hedonist may be deplorable; this does not exclude the possibility that his rationalism and his hedonism had very far-reaching consequences for his political philosophy. Is there no connection between Locke's depreciation of the natural agreement of all men in regard to moral principles and his view that nature, as distinguished from human labor, furnishes "only the almost worthless materials"? Is there no connection between Locke's hedonism and his teaching about the natural law principles that regulate the accumulation and the use of property in civil society? As long as these questions have not been properly discussed, one cannot claim to have understood Locke's doctrine of property and therewith his political philosophy.

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BOOK NOTES, NOTICES AND ARTICLES

AMERICAN GOVERNMENT AND POLITICS

Special American Issue of Parliamentary Affairs. The Journal of the Hansard Society. Vol. III, No. 1. Edited by Sydney D. Bailey. (London. 1949. Pp. 278. $1.00.)

This issue of a well known English publication is devoted to an exposition and description of American government and politics. The nature of political institutions in the United States is of increasing concern to people everywhere, as we emerge into the second half of the twentieth century and *pax Americana.* Puzzling even to professional students of government in the United States, our federal governmental structure must be a downright mystery to citizens of simpler unitary and parliamentary systems. Sydney D. Bailey has assembled a galaxy of talent including some of the most distinguished names in American and British political science, as well as several American practitioners of the art of politics. Withal the product is an able if somewhat summary and truncated picture of American public institutions and affairs. There is little which is new to political scientists but much which is freshly restated. Inevitably there is considerable repetition and a few errors of fact were noted. Without being invidious, Senator Elbert D. Thomas' contribution seems the most original essay of the collection. Professor T. V. Smith would probably win the award for the most sonorous rhetoric. While the entire volume is of great professional competence one may wonder if the lay British reader may not be as greatly confused at the end as at the beginning of his perusal of this specialized collection. In spite of legal and factual accuracy one fails to get the "feel" of the American scheme of things.—J. B. Shannon, *University of Kentucky.*

A Hook in Leviathan; A Critical Interpretation of the Hoover Commission Report. By Bradley D. Nash and Cornelius Lynde. (New York: The Macmillan Company. 1950. Pp. xix, 234. $3.00.)

This is a general summary of the reports of the Hoover Commission. It is readable, well-organized, and includes enough background to clarify the bases of the Commission's recommendations. The authors have been remarkably successful in extracting the gist of the reports and have covered with reasonable completeness the portions dealing with general management and housekeeping. On the substantive activities of the executive branch, there is a degree of superficiality and a certain tendency to gloss over the substance of the reports by repetition of stock descriptions, such as "waste", "overlapping", and "lack of coordination". The authors have provided a significant amount of interpretation of the kind which will be helpful to the general reader. Usually there is agreement with the Commission, and the book is really an appeal for putting the Commission's recommendations into effect. The authors have, nevertheless, disagreed with the Commission on a number of points (as on pp. 34, 80, 81, 117–118, 140, 178, 185, 187, 198–199). The only place, however, where they have developed their separate points of view at any length is in their argument on the "great potentialities" of a Staff Secretary (recommended for the President by the Commission), particularly "as a coordinator of semi-permanent and temporary Cabinet committeees" (pp. 51–56). This book can be strongly recommended to the general reader. It will not be helpful to the person who has read the Commission's reports. Some teachers will find it useful for assignment or suggested reading; others will prefer to use selected numbers of the Commission's reports.—EMMETTE S. REDFORD, *University of Texas.*

Understanding Politics; A Practical Guide for Women. BY LOUISE M. YOUNG. (New York: Pellegrini and Cudahy. 1950. Pp. 330. $3.50.)

The recent rash of guides and manuals on politics emanating from national chairmen, labor unions, and civic and women's organizations represent a generally healthy attempt of leaders to interest citizens in active political participation, especially in party politics. Dr. Young's work is the best all-around effort, written in a popular vein, to combine the legal with the various practical and extra-legal aspects of American government and politics. She succeeds as well in adding an inspirational note to a wealth of facts. Most volumes of this character are of little use to the political scientist, except as references when inquiring club leaders want a "short book" on politics. This work is useful to the scholar, however, in providing a considerable amount of not easily accessible data on the careers of female political leaders, such as Mayor Dorothy M. Lee of Portland, Oregon, and of women's activities in the party organizations. The latter part of the book lists the names, beginning with the Sixty-fifth Congress, of every woman serving in Congress, and of every woman in each state legislature in 1949. A selected reading list, together with a state-by-state summary of the number of counties, congressional districts, potential voters, eligible voters, state legislative data, and basic suffrage qualifications, add to the value of the manual. A serious shortcoming is the failure to include an index.——HUGH A. BONE, *University of Washington.*

Public Opinion and Propaganda. BY FREDERICK C. IRION. (New York: Thomas Y. Crowell Company. 1950. Pp. xvi, 782. $5.00.)

Surveys, Polls, and Samples; Practical Procedures. BY MILDRED B. PARTEN. (New York: Harper & Brothers. 1950. Pp. xii, 624. $5.00.)

Professor Irion's work is a welcome addition to the limited alternatives available to those who must depend on a text for the course in public opinion and propaganda. The writer makes use of "the cultural approach" to the subject of public opinion, an approach that he feels has been generally neglected by political scientists. Citations of the works of psychologists, social psychologists, sociologists, and anthropologists, among others, provide student and instructor with ample opportunity to key in to monograph material at any point. The following chapter headings give some idea of the range and scope of material covered: "The Importance of Public Opinion", "Historical Background", "Basis of Public Opinion", "Newspapers", "Radio", "Motion Pictures", "Minor Media", "The Family", "Churches", "The Schools", "Employers", "Employees", "Government", "Specialized Groups", "Legislature", "Courts", "Government Administration", "Economics", "Social Activities", "War and Peace,""Present Methods" [Public Opinion Techniques] and "Future Methods." After mastering the insights and contributions of the other social sciences, it is necessary to assimilate them and put them to work in our special field, leaving our colleagues to theirs. There is a real temptation to the political scientist in the public opinion course to wander into the green pastures of other disciplines and become a jack-of-all-trades. Professor Irion has not succumbed and deserves thanks for calling attention to a wide range of interesting and challenging material. The book suffers, however, from the inevitable diffuseness of any work that seeks to cover such a vast terrain. Further, while one may applaud the attempt to integrate "the culture concept" into political science, there is room for a doubt that this has been accomplished except at the expense of abandoning the limited field appropriate to the science of politics.

Dr. Mildred Parten, out of some twenty years' experience in government and in the planning and conducting of surveys, has written a book that may serve either as a manual to the practitioner or as a text in the field of social surveys, polling methods, public opinion and market research. The work provides a comprehensive and systematic guide to the procedures in planning and carrying out all types of opinion, market, consumer, radio audience and other surveys. It will be of great value to those who need a really detailed and reliable manual on their shelves.—Norton E. Long, *Western Reserve University.*

Heritage of Conflict; Labor Relations in the Nonferrous Metal Industry up to 1930. By Vernon H. Jensen. (Ithaca: Cornell University Press. 1950. Pp. xiii, 495. $4.75.)

Historical perspective is needed for a clear understanding of the labor-management problem in America today. This book helps to supply that perspective. Its general theme is the development of the organized labor movement among the hard-rock miners and smelting workers in western mining centers from the Civil War period to the 1920's. Essentially, however, it is an account of the rise and decline of the Western Federation of Miners or, as it was known after 1916, the International Union of Mine, Mill and Smelter Workers. Beset by internal schisms, by oftentimes unscrupulous corporate managements intent upon breaking the union by fair means or foul, and, after 1907, by a more radical rival organization, the International Workers of the World—which, ironically enough, the leaders of the WFM had helped to launch in 1905—its course was a stormy one. The succession of brutal conflicts in which it was involved provides some of the more lurid and unflattering chapters in the history of the West. The legacy of bitterness and distrust continued for years to hamper the development of sound labor-management relations in an important segment of American industry. Well-documented and objective, this is a useful addition to the literature of the history of American industrial relations.—Joseph E. Kallenbach, *University of Michigan.*

Puerto Rico's Economic Future; A Study in Planned Development. By HARVEY S. PERLOFF. (Chicago: University of Chicago Press. 1950. Pp. xviii, 435. $4.75).

Dr. Perloff deals with the economic headaches of Puerto Rico, a little island beset with extraordinary difficulties: an already over-dense population, now increasing at the fastest rate in the world; an unbalanced economy, based on meager natural resources and characterized by widespread poverty; and a status of political and economic dependence on a generous but often absent-minded colonial power, the United States. He does a masterly job of diagnosing the present ills of the economy (its characteristics and trends and its relation to the population problem), and in the process brings together the labors of dozens of research workers hitherto available only in pamphlets and statistical abstracts; he illuminates these by thoughtful comments based on his own extensive research and first-hand observation and presents the whole in a highly readable text, supplemented by many useful charts and tables. From diagnosis he moves to prescription, and thus undertakes a task that sets this book apart from most other studies of the economic problems of a given area. He attempts the construction of "hypothetical models" as a guide to future "planned development." Making certain assumptions about the probable population of the island in 1960, he proceeds on the following formula: if such-and-such are to be the goals set for employment opportunities and standards of living in 1960, then thus-and-so are the means whereby these goals can probably be achieved. His models take the form of suggestions concerning the development required in each of the several existing lines of economic activity and in a number of others apparently practicable but not as yet engaged in. Although he frames his models in terms of "broad possibilities," he supports them with such cogent reasoning and so many brute facts that the result is a comprehensive and fairly detailed program. The book should prove valuable not only to economic planners in Puerto Rico but also to American policymakers concerned with the needs of Puerto Rico, one of our own dependent areas in a world increasingly conscious of colonial policy and of the plight of dependent peoples. It should likewise be useful to those concerned with Point Four and the whole problem of developing "backward" areas. And, if only from the point of view of methodology, the book should be of interest to political scientists as an example of what can be achieved by a sister discipline in the area of social therapeutics. —HENRY WELLS, *Yale University.*

Conduct of American Diplomacy. By ELMER PLISCHKE. (New York: D. Van Nostrand Company, Inc. 1950. Pp. xiv, 542. $4.85.)

The author has done a workman-like job on the principles, procedures and governmental machinery involved in the conduct of our foreign relations. The book is orderly and ought to be adaptable for a variety of classroom uses. It is not intended to be a survey of diplomatic history or an evaluation of foreign policy. The chapters on international organization are also on procedure and their development and our involvement in both. The Foreign Service Institute is worth at least a sentence. Anecdotes and wit are frigidly isolated in footnotes or at the end of sections.—RICHARD H. HEINDEL, *Washington, D. C.*

The Future of Democratic Capitalism. BY THURMAN W. ARNOLD, MORRIS L. ERNST, ADOLF A. BERLE, JR., LLOYD K. GARRISON AND ALFRED ZIMMERN. (Philadelphia: University of Pennsylvania Press. 1950. Pp. x, 112. $2.00.)

The authors discuss, respectively, the values and chances of survival of competition, civil liberties, corporations, organized labor, and "The International Community in a Peaceful World." Second series of the Benjamin Franklin Lectures, University of Pennsylvania, delivered in 1949, with a brief introduction by S. Howard Patterson.

Rural America and the Extension Service. BY EDMUND DES. BRUNNER AND E. HSIN PAO YANG. (New York: Teachers College, Columbia University. 1949. Pp. xii, 210. $3.00.)

A history and critique of the Cooperative Agricultural and Home Economics Extension Service, with an introduction by the Director General of the FAO.

Forgotten Patriot; Robert Morris. BY ELEANOR YOUNG. (New York: Macmillan Company. 1950. Pp. xii, 280. $4.00.)

A painstaking recital in popular style of the life of the "financier of the Revolution." Miss Young, teacher of English at Davis High School, Mount Vernon, New York, is aided in her narrative by the availability of several hundred personal letters not used by previous biographers of Morris. Undocumented except for brief chapter notes.

John C. Calhoun; American Portrait. BY MARGARET L. COIT. (Boston: Houghton Mifflin Company. 1950. Pp. xii, 593. $5.00.)

The author's objective, as advertised, has been "to write a life of Calhoun which marshaled all the facts, but which was, above all, readable." Contains notes and bibliography.

John Bell of Tennessee. BY JOSEPH HOWARD PARKS. (Baton Rouge: Louisiana State University Press. 1950. Pp. xi, 435. $5.00.)

A conventional, well-documented biography of a prominent ante-bellum politician written by a professor of history at Birmingham-Southern College and published in the Southern Biography Series.

The Confederate States of America, 1861–1865. BY E. MERTON COULTER. Volume VII of *A History of the South* series. (Baton Rouge: Louisiana State University Press. 1950. Pp. xiv, 644. $7.00.)

The fourth published work in a projected ten-volume series of which the author, professor of history at the University of Georgia, is co-editor. Emphasis is placed upon social and political rather than upon military history.

Leading Constitutional Decisions. BY ROBERT EUGENE CUSHMAN. (New York: Appleton-Century-Crofts, Inc. 1950. Pp. xix, 410. $2.50.)

Ninth edition of a standard work covering cases decided to June, 1949. It contains five new cases and drops two old ones.

Modern Republic; How the U. S. Can Maintain both Security and Freedom. BY SPENCER PINKHAM. (New York: Corwin. 1950. Pp. 137. $2.50.)

Discusses the dilemma posed by the antagonism between the economic need for concentrated governmental power on the one hand and the desire for political freedom on the other. Mr. Pinkham, an attorney, holds that a parliamentary republic is theoretically the best answer. For the United States the most practicable solution is "an indefinite presidential term" coupled with "a right in the House of Representatives to call a presidential election at any time."

Sources for the Study of the Administration of Criminal Justice. BY DOROTHY CAMPBELL TOMPKINS. (Sacramento: Special Crime Study Commissions and the California State Board of Corrections. 1949. Pp. 3, 294. $1.28.)

A supplement to the Culver bibliographies on crime and criminal justice (H. W. Wilson Company, 1927–1931; 1932–1937). California is stressed, but most sources of a general nature are also included.

Crusaders for American Liberalism. BY LOUIS FILLER. (Yellow Springs, Ohio: The Antioch Press. 1950. Pp. xvi, 422. $4.00.)

A reissue of a 1939 Harcourt, Brace publication, with a new introduction. The book, well received at its first publication, tells the story of the Muckrakers and evaluates their impact upon the stream of American liberalism.

Elements of American Government. BY JOHN H. FERGUSON AND DEAN E. MCHENRY. (New York: McGraw-Hill Book Company, Inc. 1950. Pp. x, 803. $4.25.)

Written to meet demands of those wanting a shorter and simpler textbook than earlier texts by the same authors. It is intended for one-semester courses or for use with a book of readings. Only limited attention is given to state and local governments.

Essentials of American Government. BY FREDERIC A. OGG AND P. ORMAN RAY. (New York: Appleton-Century-Crofts, Inc. 1950. Pp. viii, 732. $4.50.)

Sixth edition of the briefer version of a leading textbook, brought up to date in the customarily high standard.

The People, Politics, and the Politician; An Anthology of American Politics in Action. BY A. N. CHRISTENSEN AND EVRON M. KIRKPATRICK. (New York: Henry Holt and Company. 1950. Pp. xiv, 1042. $4.50.)

A revision of the volume first issued in 1941. While the contents have been revised, the authors emphasize that materials again have been selected on the basis of analyzing and evaluating American government rather than of describing it.

Catalog of United States Census Publications, 1790–1945. BY HENRY J. DUBESTER. (Washington, D. C.: Government Printing Office. 1950. Pp. x, 320. $1.50.)

A complete catalog of census publications for the period covered.

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FOREIGN AND COMPARATIVE GOVERNMENT

The Structure of Local Government in England and Wales. By W. Eric Jackson. (New York: Longmans, Green and Co. 1950. Pp. xix, 261. $2.50.)

This is another of the several books that have been published since the War on English local government. Mr. Jackson, who is assistant clerk of the London County Council, has produced a very readable volume. The discussion remains clear and understandable throughout, making a book that any citizen of the United States with a small amount of knowledge of government can read and enjoy. The author's object has been to present a descriptive account of his subject, with emphasis upon the developmental aspects. Accordingly, the history of local government in England and Wales receives important attention, although the chapters are arranged topically and not chronologically. A sense of the long evolution of local institutions is gained along with a renewed realization that there are no neatly tied ends to such a human mechanism as local government. There may be trends and general patterns, but many exceptions to the rule are everywhere to be found. The book covers rather comprehensively most of the formal, legal side of local government. Units and areas of government, intergovernmental relations, powers, functions, finance, personnel, elections, and councils are the principal topics discussed. While this is a very impressive array of subjects, they are not treated exhaustively, nor is that the intention. Yet the author finds space to explore many of the social as well as administrative and political facets of local authorities. It is unfortunate that most English writers on local government, including Mr. Jackson, ignore many of the human problems that arise in the operation of the structure of government. For example, questions of leadership or political feasibility are not examined to the extent that they would be in standard American texts on local government. While Mr. Jackson has not assigned himself the task of making a reasoned defense of recent centralization in England and Wales, he has much to say on the subject. His remarks are one of the most disappointing features of the book. He fails to make a satisfying distinction between regional administration and local self-government (pp. 241–245, e.g.). He explains the transfer of functions to the central government largely in terms of advances in technology. This undoubtedly is a factor, but it does not entirely account for specific acts of the Government, such as nationalization of electricity, including the distribution facilities. Have Englishmen ignored one of the real lessons of the TVA? It is reassuring to learn that local government still has a very long list of functions to perform, however, and that it is not in any sense of the word wilting away. The volume contains numerous references to things typically English that will prove enjoyable to the American reader. The defense of ceremony as a peculiar advantage of borough government in comparison with counties (pp. 17–18) and the defense of government by committees (pp. 248–249) are two cases in point. All in all, it is a satisfying volume, but a thorough analysis and critique of mid-century English local government remains to be written.—EDWARD W. WEIDNER, *Michigan State College.*

Administrative Tribunals at Work; A Symposium. EDITED BY ROBERT S. W. POLLARD. (London: Stevens and Sons Ltd. 1950. Pp. xx, 154. 17s 6d.)

Administrative adjudication has attracted less attention in the United Kingdom than in the United States, mainly, no doubt, because public enterprise has there been preferred to public regulation of private enterprise. British ideals and practices—which are by no means identical—are nevertheless suggestive to students of this issue in American state and national government. The publishers of Professor William A. Robson's *Justice and Administrative Law* have now issued a little collection of essays which serve to test and reformulate the principles that he laid down. Seven chapters, by seven different practitioners, deal with tribunals concerned with conscientious objection, labor questions, social assistance, rents, tax assessment, city planning, and discipline of a legal profession. An appendix lists more than 200 administrative tribunals. None of the chapters deals with economic regulation, although nearly a quarter of the tribunals listed are of this kind. Nor is any study offered of procedures for safeguarding the rights of users of nationalized undertakings. This able book therefore goes part—but only part—of the way towards filling a conspicuous gap in our knowledge of contemporary British institutions.—W. HARDY WICKWAR, *United Nations.*

The Government of the Soviet Union. BY SAMUEL N. HARPER AND RONALD THOMPSON. (New York: D. van Nostrand Co., Inc. 1949. Pp. xiv, 369. $5.00.)

The title page does not do justice to this book. It is virtually a new book. As Mr. Thompson points out, he has abandoned the unfortunate general pattern derived by Samuel Harper for the first edition from Beatrice and Sydney Webb's *Soviet Communism*, and has followed a "new conceptual approach to the Soviet system". In so doing he has produced an interesting contribution to the American literature on the Soviet Union, including a new treatment of several controversial problems. Taken as a whole, the book is informative and objective. However, the author occasionally omits relevant facts and on some matters expresses opinions that seem hardly justified. For example, in describing the judicial system, he fails to state that the Soviet supreme court is closed to private parties and hears only cases brought before it by certain high officials. Again, the transformation of the Secret Police, OGPU (GPU), into the commissariat for the Interior (Narkomvnudel) in 1934, marked an expansion rather than a limitation of its authority. Even before the assassination of Kirov several branches of the administration were brought under its jurisdiction. The author's estimate of the population of Soviet "labor camps" at 2,500,000 is too low in the light of all the available information. It is also difficult to agree with him that in contrast to the Nazi camps which "were at best labor camps and at worst were death camps . . . the soviet camps . . . seem even at their worst to be genuine labor camps where the lives of the inmates are more important than their deaths." The condition of life and work in these "labor camps" results in human suffering for all the inmates and in death for many. Moreover, in the Soviet camps as in the Nazi, a great part of the inmates are persons confined by the police without due process of law. In the opinion of the reviewer, a more outright and lengthy statement of limitation of private ownership would have been desirable in place of the somewhat non-committal concluding statement on page 186. The facts that a collective farmer is prohibited, in the regions of crop farming, from owning horses, and that the more complex machinery is not owned by collective farms but by governmental machine-tractor stations should have been stressed. In characterizing the "people's assessors" in Soviet courts as "formal participation of the public corresponding in this respect to the jury of Western system" (p. 236) the author should have indicated the essential difference between the jury and assessors. Again, the so-called "arbitration boards" for disputes between the governmental enterprises originated, not "in the Five Year Plans", as stated by the author, but in 1922, and their present procedure is not "that of a court" but, rather, that of an administrative agency. Speaking of social insurance (pp. 253–254), the author fails to indicate that farmers, i.e., the bulk of the population, are not included in the plan. Finally, the following statement seems unwarranted: "The new Soviet Russia becomes especially in the eyes of her younger citizens and despite all her limitations a 'land of opportunity'. . . . A government of such a land . . . can still claim to have strong roots in the hearts and hopes of its people" (p. 266). The high number of young people among those who refused to return at the end of the War and among those who deliberately escaped from the "land of opportunity" seems to contradict this statement.—Vladimir Gsovski, *Library of Congress.*

Industrial Management in the USSR. By A. Arakelian. Translated by Ellsworth L. Raymond. (Washington, D. C.: Public Affairs Press. 1950. Pp. 168. $3.00.)

This is another one of the useful translations being issued in the Current Soviet Thought series of the Joint Committee on Slavic Studies of the American Council of Learned Societies and the Social Science Research Council. It makes available in English one of the most up-to-date discussions published in the Soviet Union on the structure of Soviet industrial organization. After sketching the past development of forms of management in Soviet industry, and the basic principles of Soviet industrial management, Professor Arakelian considers in detail the existing administrative structure of socialist enterprises in the USSR. He discusses the role of the Communist Party and trade union organizations in this management and the problems which arose in the conversion of Soviet industry from war to peace. A number of helpful diagrams show the detailed managerial arrangements at different stages of the industrial administration hierarchy. This is a valuable book recommended for all persons interested either in the general field of Soviet public administration or in the narrower area of industrial management.—Harry Schwartz, *Syracuse University.*

New Light on the History of the Taiping Rebellion. By Ssu-yu Teng. (Cambridge: Harvard University Press. 1950. Pp. ii, 132. $1.75.)

This bibliographical survey of historical studies summarizes briefly the work of the Chinese, Japanese and Western historians in Taiping and analyzes their treatment of several perplexing historical questions. Dr. Teng also provides a running account of the nature, causes, early history and other aspects of the rebellion. His unique bibliographical work should prove of great value to the many American scholars who are now working on this subject, while his brief account of the rebellion itself should find a much broader audience. It offers to the non-specialist a stimulating introduction to the cataclysm that shook China a century ago and set in motion the revolutionary process which has continued in spasms ever since.—Francis R. Valeo, *Library of Congress.*

Staten och Organisationerna. By Gunnar Heckscher. (Stockholm: Kooperativa förbundets bokförlag. 1946. Pp. 267. Kr. 7: 50.)

Professor Heckscher's study of the theory and practice of pluralistic democracy in Sweden breaks new ground. It presents the highly developed pattern of voluntary associations not-for-profit (*ideella föreningar*), its historical roots, the public debates as to the regulation of these groups, and the unresolved issues of political and legal theory arising in the relations among these associations themselves, with the State, with their members, and with outsiders. In exploring these problems it foreshadows new dimensions to the study of constitutional theory, whether in Sweden or elsewhere. "There is more real corporativism in Sweden today than there ever was in the older period of guilds or in fascist Italy" (p. 255). But Swedish associational life has vigorously resisted all legislative attempts to control it by a general code. It is self-regulated to a high degree. Current notions to the contrary notwithstanding, Sweden is not collectivized under State socialism, and even the labor movement openly opposes State control of the present self-governing labor market mechanism. Still, in one field after another the unorganized areas tend to disappear entirely, while the practice of devolution or allowance of governmental functions by tacit consent goes on apace. Government by autonomous groups, in these circumstances, can hardly be regarded by State officialdom with complete indifference. In these realms of public-private governance the author observes that the established practice will not square with orthodox theories of sovereignty. In fact, the total picture of a nation's government which begins to come into perspective with such studies as this, will sooner or later necessitate some revisions in the methods of comparative government and constitutional law. The author does not yet carry his own analysis so far, but it is a subject on which we may expect to hear more from him.—JAMES J. ROBBINS, *American University.*

British Broadcasting; A Study in Monopoly. BY R. H. COASE. (Cambridge: Harvard University Press. 1950. Pp. ix, 206. $2.75.)

A history of the monopolistic organization of broadcasting in Great Britain. The author, a reader in economics at the University of London, discusses the origins of the monopoly and its effect on competitive services, and summarizes public discussion of the monopoly issue.

Canada. EDITED BY GEORGE W. BROWN. (Berkeley: University of California Press. 1950. Pp. xxi, 621, $6.50.)

A symposium, edited by a University of Toronto history professor, on the history, economy, geography, and political and social institutions of Canada. This is the Canadian volume in a United Nations Series, the tenth such volume.

The Woman Suffrage Movement in Canada. BY CATHERINE LYLE CLEVERDON. (Toronto: University of Toronto Press. 1950. Pp. xiii, 324. $4.50.)

Contains a mass of detailed historical information, much of it not hitherto available, about enfranchisement of women in the provinces and in the Dominion.

Britain's Crisis of Empire. BY R. PALME DUTT. (New York: International Publishers. 1950. Pp. 168. $1.25.)

The editor of *Labour Monthly*, a British Marxist, views the British Empire. In his opinion techniques of imperialism have changed but objectives remain the same. He criticizes both Britain and the United States for failure to recognize the desire of backward peoples to be free. He charges the Labor government with failure to recognize the actual costs of its imperialistic program.

The British Approach to Politics. BY MICHAEL STEWART. (London: George Allen & Unwin Ltd. 1949. Pp. viii, 336. $3.50.)

A revision of a 1938 edition by a teacher and Member of Parliament, portraying the responsibilities of British citizenship in the proper functioning of democratic institutions. There are bibliographical references at the end of each chapter.

Tito. By George Bilainkin. (New York: Philosophical Library, Inc. 1950. Pp. 287. $3.75.)

Confined largely to Tito's part in the political history of Yugoslavia during the recent civil war and the subsequent Communist regime. Mr. Bilainkin, British journalist, has amassed a wealth of material not generally available, including Stalin-Tito correspondence in 1948. Based to a considerable extent on interviews and largely undocumented.

Israel in Crisis. By A. B. Magil. (New York: International Publishers. 1950. Pp. 224. $2.50.)

A newspaper correspondent's account of Israel as he saw it during a six months' sojourn. He presents the problems confronting the new state as well as the dangers resulting from Anglo-American attempts to dominate the economy and politics of the country.

The Governments of Foreign Powers. By Philip W. Buck and John W. Masland. (New York: Henry Holt and Company. 1950. Pp. xi, 948. $4.00.)

Revised edition of text-book first published in 1947. It treats of England, France, Italy, Germany, the Soviet Union, Japan and China.

Notes on Educational Problems in Communist China; 1941–1947. By Michael Lindsay. (New York: Institute of Pacific Relations. 1950. Pp. iii, 194. $2.50.)

An analysis of educational policies and practices in the Communist-controlled areas prior to 1947. Supplements by Marion Menzies, William Paget and S. B. Thomas provide information on more recent developments in this field.

The Development of Upland Areas in the Far East. By Pierre Gourou, Joseph E. Spencer and Glenn T. Trehartha. (New York: Institute of Pacific Relations. 1949. Pp. iii, 82. $1.00.)

Three essays by eminent geographers dealing respectively with the present economic usage and the potentialities of the upland areas in China, the Philippines and Japan.

An Encyclopedia of Modern World Politics. By Walter Theimer. (New York and Toronto: Rinehart & Company, Inc., 1950. Pp. 696. $5.00.)

A "survey in alphabetical order [of] the political terms, systems, trends, problems and watchwords of the contemporary world," with political sketches of practically all countries of the globe. The selection of topics has been wide-ranging and definitions frequently amount to summary essays. A dependable reference work, particularly well adapted for use in schools and colleges.

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INTERNATIONAL LAW AND RELATIONS

International Relations; In the Age of the Conflict between Democracy and Dictatorship. By Robert Strausz-Hupé and Stefan T. Possony. (New York: McGraw-Hill Book Company, Inc. 1950. Pp. xiii, 947. $6.00.)

As the subtitle suggests, this volume approaches the subject of international relations with special reference to the contemporary world struggle for power.

It will appeal to teachers who have wanted a text sympathetic to the ideals of the West in this struggle, and who have desired a topical treatment of the full range of subject matter normally embraced in general courses on international relations. The hypothesis from which the text starts is that the accumulation of power is the objective of every nation's foreign policy. All nations, according to the authors, seek optimum power. Some seek maximum power. This universal search for power is likened to the profit motive in classical economics. While this postulate resembles that of Morgenthau in his *Politics Among Nations*, the elaboration of the subject follows a different pattern and has about it more of the air of political realism. Few will disagree with the place which competition for power occupies in international politics today. There is a danger, however, that preoccupation with the manifestations of this factor may lead teachers and students to underrate the importance of psychological and sociological forces, and the role of personalities. The treatment of power politics in this text is excellent, but it seems to the reviewer that the authors have not emphasized sufficiently some other influences. The outstanding features of the text are (1) extensive treatment of the elements of national power; (2) a brilliant analysis of the techniques of conducting foreign policy in time of cold war; (3) a detailed discussion of Soviet foreign policy; (4) the insertion of useful documentary appendices following numerous chapters; and (5) the length of the text (929 pages). Believing that power contests are settled in final analysis by numbers of men, the authors argue that if the United States is to be secure it must have a population more closely approximating that of the USSR. To this end the authors would have the country embark upon a pronatalist and increased immigration policy, regardless of what this might do to the American standard of living. In comparing the population-power situation of the United States and the Soviet Union relatively little attention is given to the psychological and educational factors which have contributed so much to making America more powerful than nations resting upon masses of poorly educated, intellectually subordinated, and low standard of living peasants. Hordes of peasants may have helped Russia expel the Nazi invaders, but equally vital were the weapons put in their hands by highly skilled American workers. Eighty pages of text are given to the ideology and objectives of Soviet foreign policy. The authors believe that while the Soviets are driven to Machiavellian ways by their Marxian-Stalinist philosophy, there is hope nevertheless that as the regime ages it will develop political arteriosclerosis and ultimately undergo transformation. To counter the Communist thrust for world power, they recommend reason, truth and power rather than "ideologization". In the field of international organization, prime emphasis is placed upon Western European Union. This receives nearly twice as much space as the United Nations. This will strike many as being an unfortunate balance, especially since little attention is given to the actual operation of the UN and to the issues which have been before it. Feeling that "collective security" is a flimsy, short-lived thing the authors favor international federation. The immediate goal is postulated as unity of the Atlantic community. In conclusion, the authors believe that the "main intellectual task before the American people is to develop a sense of reality in order to walk upright upon its path through a world of decaying cultures and crumbling empires which, in its entirety, is being rent asunder by revolution."—NORMAN J. PADELFORD, *Massachusetts Institute of Technology.*

A Decade of American Foreign Policy; Basic Documents, 1941–1949. BY U. S. DEPARTMENT OF STATE AND SENATE COMMITTEE ON FOREIGN RELATIONS. (Washington, D. C.: Government Printing Office. 1950. Pp. xix, 1381.)

This collection of documents was prepared at the request of the Senate Committee on Foreign Relations by the Staff of the Committee in collaboration with the Department of State. In a short foreword, Senator Connally states that the volume "makes no pretense at being all-inclusive" and that the principle followed in the selection of the documents was the need of Congress in connection with its deliberations on foreign policy. The collection is comprehensive and well arranged. There is a detailed table of contents and an adequate index. While the compilation was not made with the needs of teachers and students primarily in mind, there can be no question, I think, but what it will be found extremely useful by them. There is nowhere available in one volume such a complete collection of documentary material relating to the United States foreign policy in recent years. While all, or at least most, of these documents have been, or will be, included in the annual volumes of *Documents on American Foreign Relations*, published by the World Peace Foundation, there is a distinct advantage in having such a selection made available in one volume. It is to be hoped that the print is large enough so that the demand can be fully met. It is a matter of serious concern that this collection of documents, labelled as covering the period from 1941 to 1949, should be so sketchy and inadequate for the period 1941 to 1945. It is essential to proper historical perspective that students and practitioners alike of our foreign policy consider some of the official statements that were made during this early period, such as Secretary Hull's address to Congress of November 18, 1943, on the work of the Moscow Conference and President Roosevelt's address to Congress on March 1, 1945, on the work of the Yalta Conference. Very few of the documents in this collection antedate the Truman administration. If limitations of space necessitated the omission of so much of the relevant documentation for the period 1941–1945, it would have been much better in the interest of accuracy to label the collection what in reality it is: "Five Years of American Foreign Policy, Basic Documents, 1945–49."—LELAND M. GOODRICH, *Brown University.*

Roosevelt; From Munich to Pearl Harbor. BY BASIL RAUCH. (New York: Creative Age Press. 1950. Pp. xiv, 527. $4.50.) ✓

This work has three outstanding characteristics: (1) it provides an outline and an analysis of the principal items in American foreign policy from the beginning of Franklin D. Roosevelt's administration to the outbreak of war between Japan and the United States; (2) it counteracts, with specific references, the broad interpretation of American policy during this era presented by the late Charles A. Beard; and (3) it defends, generally speaking, the policies pursued by Secretary Hull and the President. The first of these tasks is accomplished with admirable clarity of writing and organization of materials. Constant and careful attention is given to the relationship between each event and decision of American policy and the context of events both in Europe and Asia and in the United States. This broad undertaking is essentially a pioneer work of synthesis based, naturally, on available materials. But Professor Rauch is thoroughly grounded in his subject, and he draws conclusions with boldness and confidence. His attention to the evolution of policy and particularly to the context of circumstances, enables him to revise many of the strained interpretations of Mr. Beard. He is able to show with numerous examples how Beard distorted facts, manipulated statements, and neglected factors which did not suit his thesis. Although Professor Rauch supports and defends, in general, the policies of the Roosevelt administration, his work is not uncritical. He does not agree, for example, that American policy toward the Spanish civil war was either right or defensible and notes that the policy was initiated by the Administration without pressure from Congress. Sometimes, as in the case of American relations with Vichy, he gives the Administration's reasons for a policy without advancing the arguments against it. The main contribution of this important work, however, is not its interpretation of specific episodes, many of which will be further illuminated by archival research and may never escape diverse judgments. Its main importance rests in its impressive and well-supported thesis that, notwithstanding mistakes, and possibly errors, President Roosevelt followed a constant purpose. It is the most balanced and reliable general survey of the period covered that exists at the present time.—RUHL BARTLETT, *Fletcher School of Law and Diplomacy.*

Cases and other Materials of World Law. EDITED BY LOUIS B. SOHN. (Brooklyn: The Foundation Press Inc. 1950. Pp. 1363. $8.00.)

Professor Sohn has collected cases, advisory opinions, experts' reports, discussions on legal problems, and proposals *ad legem ferendam* in a volume dealing with what he calls "the constitutional law of the world community." The book is the fruit of a course taught at the Harvard Law School but is intended for use in all other university departments offering courses on international organization. The material is grouped under general headings for which Professor Sohn claims systematic validity, such as "general" competence, membership, rights and duties of states, international assemblies, as well as under more specific ones of more established relevance, such as the different organs of the United Nations, the maintenance of peace, settlement of disputes, and world government. A valuable collection of certain basic documents of international organizations concludes the work. Throughout, each topic is prefaced by extensive bibliographical notes which will be exceedingly useful to both student and teacher. A course based on this book is bound to be a fascinating undertaking. The students will be able to penetrate deeply into such representative cases as the Aaland Islands controversy, the Palestine resolution, the "double veto" in the Czechoslovakian affair, etc. They are led along the line of legislative reasoning from recognizable imperfections of today to the plans of learned jurists of tomorrow. They meet the problems of international law through dramatic clashes, in committees and assemblies, of statesmen and experts. Yet it seems doubtful that for all this they will have gained real insight into the nature of international organization. Can this field be approached as if it were the public law of an already functioning community? Can one do justice to the subject without accounting for the political circumstances which (to paraphrase Burke) "give to every legal principle its distinguishing color and discriminating effect"? These materials are selected and presented with the purpose to show how a "paper document develops into a living system of law." The evidence is meant to prove that "the United Nations is daily increasing the powers grudgingly conferred upon it." This bias is dangerous. The fact that United Nations powers extend does not necessarily imply that they increase in intensity. A living system of law springs not so much from paper documents as from conformity of wills based on interests and convictions. Unless students who use this casebook are simultaneously led to comprehend the irrational nature of power conflicts among nations they may fall into that fatal illusion about the efficacy of international organizations which benighted the unfortunate statesmen of the interwar period.—GERHART NIEMEYER, *Oglethorpe University.*

Soviet Imperialism; Russia's Drive Toward World Domination. BY E. DAY CARMAN. (Washington, D. C.: Public Affairs Press, 1950. Pp. 175. $3.25.)

Soviet Expansion and the West. BY ANTHONY TRAWICK BOUSCAREN. (San Francisco: Pacific States Printing Company. 1949. Pp. xvi, 199. $3.00.)

Soviet Imperialism, by E. Day Carman, offers a compact survey of the successful and abortive outward thrusts of Soviet expansion since 1939, together with a brief but useful analysis of the various techniques which have been applied in effectuating and justifying the extensions of Soviet rule or domination. Without going deeply into the ideological and political background of Soviet expansion, it offers a generally sound and unpretentious review, country by country, of recent Soviet ambitions. It relies heavily on *Nazi-Soviet Relations 1939–1941*, on Byrnes and Sherwood, and makes relatively little use of direct Soviet materials. In covering such a complex subject, in which the record shows very many blanks, some mistakes are inevitable. However, the author confuses unnecessarily the Soviet-sponsored convention for the renunciation of aggression and the 1933 convention for the definition of the aggressor (p. 18). Neither convention "guaranteed the borders of these states against aggression", and, contrary to his assumption, Rumania was a signatory to both conventions. The Curzon Line, which was supported by the United States and Britain in 1919 and 1920, is dismissed rather cavalierly (p. 74). At Potsdam the United States and Britain did not agree to support Poland's new western boundary at the peace conference (p. 79), unlike their position with respect to Soviet acquisitions in East Prussia. In discussing the Soviet demand for oil concessions in northern Iran, Mr. Carman omits mention of the very unwise American proposals concerning the same area (p. 123). The Soviet government appears to have first raised with Beneš the question of ceding Sub-Carpathian Ukraine in January, 1944, rather than in early 1943 (p. 110). The author offers no evidence in support of his assumption that the Rumanians of Bessarabia are being used as a basis for irredentist claims to the rest of Rumania (p. 57). Actually, this part of the Rumanian people is told that it is a separate "Moldavian" nation, which has been "liberated" from Rumanian oppression; its language is now written, rather clumsily, in Russian characters, presumably for the purpose of weakening its cultural bonds with Rumania proper.

Covering a similar series of developments, *Soviet Expansion and the West* is a disappointing book. Emotion, however well-intentioned, is not a substitute for careful analysis and presentation of the evidence. There is a real need for serious examination of the assumptions, mistakes and achievements of the West in its dealings with the Soviet Union. Unfortunately, this volume contributes more to legend than to a sober appraisal of this volcanic period in world politics.—PHILIP E. MOSELY, *Columbia University.*

American-Russian Relations in the Far East. BY PAULINE TOMPKINS. (New York: The Macmillan Company. 1949. Pp. xiv., 426. $5.00.)

A stimulating treatment of American-Russian relations from their "friendly" beginning to their breakdown in rivalry after World War II. Vigorous criticism is directed at the more recent policies of both countries in a general condemnation of the power-politics approach in international relations as the chief stumbling block to world peace.

National Air Power and International Politics; A Select Bibliography. BY EUGENE EMME. (Maxwell Air Force Base, Alabama: Studies and Research Branch, Historical Division. 1950. Pp. v, 191.)

Annotated references to published materials on the impact of national air power upon international affairs, both in war and during peace. Wide coverage, careful selection and annotation, and inclusion of author and subject indexes combine to make this a highly useful publication. An Air University Documentary Research Study designed for schools of the United States Air Force associated with the Air University Command.

Geo-Economic Regionalism and World Federation. BY MAURICE PARMALEE. (New York: Exposition Press. 1949. Pp. xi, 137. $2.50.)

Proposes "world federation based upon geo-economic regionalism" as the most constructive plan for the future of the world. Students of international relations will find provocative reading in Dr. Parmalee's little volume, whether or not they agree with this thesis. Four maps and diagrams.

Internationalism and Democracy; Essays: Personal, Historical and Political in Memory of Charles E. Payne. EDITED BY STUART GERRY BROWN. (Syracuse: Published by Syracuse University Press for Grinnell College. 1950. Pp. vii, 185. $3.50.)

Ten varied essays, contributed by students, colleagues and professional friends linked by a common interest in the problems of world order to which Professor Payne dedicated his life work. The editor has included an essay on Lord Castlereagh's influence on Anglo-American friendship which was found among Professor Payne's papers.

Half of One World. By FOSTER HAILEY. (New York: Macmillan Company. 1950. Pp. x, 207. $3.00.)

Discussion of the problems confronting the peoples of the Far East, based on the author's intimate contacts as correspondent for the *New York Times.* It is the author's opinion that the peoples of the Far East looked to the United States to help them gain "freedom from oppression, want, and fear" and that America has let them down.

A Diplomatic History of the American People. BY THOMAS A. BAILEY. (New York: Appleton-Century-Crofts, Inc. 1950. Pp. xxix, 986. $5.00.)

Fourth edition. Two chapters on events from 1945 to 1949, as well as a glossary, have been added.

A Diplomatic History of the United States. BY SAMUEL FLAGG BEMIS. (New York: Henry Holt and Company. 1950. Pp. xiii, 994. $5.75.)

Third edition, and second revision. Five chapters dealing with the twentieth century have been abridged, and two new ones have been added dealing with World War II and its aftermath.

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POLITICAL THEORY AND UNCLASSIFIED

The Crisis of the Constitution; An Essay in Constitutional and Political Thought in England, 1603–1645. By MARGARET ATWOOD JUDSON. (New Brunswick: Rutgers University Press. 1949. Pp. xi, 444. $5.00.)

The author of this study presents by far the largest volume of material that has yet been assembled on political ideas in the early Stuart period. The new materials are chiefly manuscript sources and printed sermons, but they include some other pamphlets hitherto unused. In many cases these new sources are more apt and illuminating than anything yet known. Their effect is to confirm and illustrate rather than to upset established interpretations. The treatment throughout the book is topical, a plan of organization which is certainly superior to that in terms of individual authors. At the same time, one wishes that Bacon, James I, and a few other figures had been given space proportionate to their importance. Here as elsewhere Miss Judson has been reluctant to discuss matters which she believes to have been treated adequately in earlier studies. Probably the most significant chapter is that on "divine right," an unfortunate term, since the royalist literature was not in any important degree theological. The wealth of data offered here shows that the conception of kingship as the organizing principle in society was very widely held. The book is least satisfactory on the legal side. Every legal system is ambivalent, but this feature was particularly pronounced in the constitutional law of the early Stuart period. England had inherited from the middle ages the conception of a twofold society which Gierke called "double majesty." There were legal principles which attributed primacy to the person of the king, and other principles which assumed that law was the source of organization. Coke's opinion in *Calvin's Case,* the most elaborate essay on constitutional law in the period, represents these as complementary rather than rival ideas. Miss Judson would have done well to make *Calvin's Case* her point of departure; it would have led into critical problems which she fails to discuss. Miss Judson is in an established tradition in attempting to make the presence or absence of a legal doctrine of sovereignty a touchstone in the discussion of political theories. But sovereignty is a word of very restricted utility, and judgments in such terms are likely to miss the mark. The striking innovation in the period 1603–1645 was the rejection of a dualistic conception of society in which the king possessed an autonomous sphere of action in favor of a monolithic state wherein the king was merely a magistrate. Republicanism was the next step; and Henry Marten attacked kingship in 1645.—FRANCIS D. WORMUTH, *University of Utah.*

Living Law of Democratic Society. BY JEROME HALL. (Indianapolis: Bobbs-Merrill Company, Inc. 1949. Pp. 146. $2.50.)

The study of legal history and research into the going relations of "law" to society alike demand the guidance of an adequate theory of the nature of law. Probably most American students who have attempted historical or empirical investigation of our legal order would confess an inadequate philosophical perspective for their jobs. These three lectures—given at Pacific University, Forest Grove, Oregon, on the Isaac Hillman Memorial Lectureship—are a summons to the scholarly conscience in this matter of the philosophical underpinnings of legal research. Professor Hall organizes his lectures chiefly around attacks on the inadequacies of legal positivism. He does not find useful a concept which would identify law merely with norms of conduct enforced by the state; the living reality of law in society involves also ethical judgments and the incorporation of such norms of conduct in the institutions of a people. The definition of law is more restrictive than either that of legal positivism or of the schools which have insisted on the ethical element in law. On the other hand it expands the researcher's intellectual horizons, as it leads him both into history and into empirical social science. "Legal history, especially of customary law, demonstrates the importance of value as an essential element of positive law. Modern social science stresses the significance of fact, thus supplementing traditional jurisprudence in a major direction and making available methods of research by use of which the empirical phases of law can be explored" (p. 135). This approach obviously has implications that go beyond the methods of research. It implies a concept of law which treats it neither as self-contained nor as merely a matter of engineering or the technical adaptation of means to ends. "The legal institution can be distinguished (not separated) from other institutions. It can be analyzed and systematized as a static structure in terms of certain propositions. But in its totality, law is a distinctive coalescence of form, value, and fact" (p. 131). In this view, Professor Hall's definition is one of law for a democratic society.—WILLARD HURST, *University of Wisconsin.*

Political Science and Economics in Western Germany; A Postwar Survey. BY ERNST WILHELM MEYER. (Washington, D.C.: Library of Congress, European Affairs Division. 1950. Pp. 23.)

This pamphlet by Professor Ernst Wilhelm Meyer of Frankfurt University is of interest to political scientists and economists as a survey of the revival of scholarly activity in these fields in postwar Germany and will be of practical value to them in that it supplies information as to publications now available and institutes now publishing regularly the results of their research. In political science the main fields that now, as previously, attract the interest of German scholars are constitutional, administrative and international law, internal and foreign policy, and political philosophy. One section of the report describes efforts now being made to extend teaching and research in political science in the universities. In economics postwar activities, especially in empirical research, have been much more widespread. Under the leadership of such institutions as the famous Institute for World Economics at Kiel a Union of Economic Scientific Research Institutes has been formed. Its bibliography of postwar publications indicates a remarkably thorough and penetrating coverage of current economic conditions, trends and problems in Germany.—C. B. ROBSON, *University of North Carolina.*

Anglophobia in France, 1763–1789; An Essay in the History of Constitutionalism and Nationalism. BY FRANCES ACOMB. (Durham: Duke University Press. 1950. Pp. xiii, 167. $4.50.)

A study of liberal and conservative anti-Anglophile opinion in France between the close of the Seven Years' War and the French Revolution. The author, a Duke University historian, has examined all manner of materials bearing on political ideas and the politics of the period. The book is thoroughly documented and contains a thirty-two page bibliography.

Leopold Ranke; The Formative Years. BY THEODORE H. VON LAUE. (Princeton: University Press. 1950. Pp. ix. 230. $4.00.)

Discusses critically the intellectual development up to his forty-first year of one of the founders of German historical scholarship. Political theorists as well as historians will welcome this work which in its brief compass manages to include two provocative essays of Ranke not hitherto available in English: "A Dialogue on Politics" and "The Great Powers."

A History of Political Theory. BY GEORGE H. SABINE. (New York: Henry Holt and Company. 1950. Pp. xxi, 934. $4.60.)

Second edition, with substantial revision of the material on Hegel and later theorists.

Politics; Who Gets What, When, How. BY HAROLD D. LASSWELL. (New York: Peter Smith. 1950. Pp. ix, 264. $3.25.)

A reprint of the 1936 McGraw-Hill publication.

Intellectual Capitalism BY JOHANNES ALASCO. (New York: World University Press. 1950. Pp. xviii, 140. $3.00.)

An admonition that since we shall eventually be ruled by scientific industrial executives of the production type, we should rapidly transform our capitalistic structure to recognize this fact in order to escape passing through a period of bolshevistic communism on the way to capitalism run by technicians with intellectual tools. The author is a Polish political scientist, writing under a pseudonym.

Out of My Later Years. BY ALBERT EINSTEIN. (New York: Philosophical Library. 1950. Pp. viii, 282. $4.75.)

Essays, none written before 1935, some never before published, on a variety of subjects, ranging from relativity and atomic war or peace to Mahatma Ghandi and the problems of Israel.

The Social Costs of Private Enterprise. BY K. WILLIAM KAPP. (Cambridge: Harvard University Press. 1950. Pp. xiii, 287. $4.50.)

A comprehensive and to some extent quantitative analysis of the shifting of part of the costs of private enterprise to third persons or to society as a whole. The author, a Wesleyan University economist, examines several specific forms of social costs and discusses the implications of the concept of social costs for social philosophy and economic theory.

Twentieth Century Economic Thought. EDITED BY GLEN HOOVER. (New York: Philosophical Library. 1950. Pp. xiii, 819. $12.00.)

A symposium consisting of twenty essays by as many economists covering such topics as Keynesism, social security, price control, economic fluctuations, guaranteed wages, international economic policies, governmental regulation of labor relations and of agriculture. Designed for the "more informed general readers."

Human Ecology; A Theory of Community Structure. BY AMOS H. HAWLEY. (New York: The Ronald Press Company. 1950. Pp. xvi, 456. $5.00.)

A study undertaken several years ago by the late Professor R. D. McKenzie and carried to completion by the listed author. An attempt is made to develop a full and coherent theory of human ecology, upon the assumption that there is continuity in the life patterns of all organic forms.

The Forty-Eighters; Political Refugees of the German Revolution of 1848. EDITED BY A. E. ZUCKER. (New York: Columbia University Press. 1950. Pp. xviii, 379. $4.50.)

A symposium, edited by a University of Maryland language professor, concerning German political refugees who emigrated to America following the Revolution of 1848. Includes a ninety-page biographical dictionary prepared by the editor.

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Note on Periodical Literature in Political Science

The articles listed in this issue of the *Review* appeared in over 200 periodicals during the period from January to June, 1950. A large majority of these periodicals are indexed more completely, and in part more currently, in the *Public Affairs Information Service* and the *Index to Legal Periodicals.* Additional ones are indexed in the *International Index* and *Readers' Guide.* The monthly *Psychological Abstracts,* which covers over 450 journals, contains references to much significant current writing in the psychological journals which are not normally covered in "political science" bibliographies. The most complete general index of periodicals in the social sciences is printed by the Fondation Nationale des Sciences Politiques, *Bulletin Analytique de Documentation Politique, Économique et Sociale Contemporaine,* which covers over 800 journals and reviews. (See printed and inserted supplement to issue No. 6, 1949, for complete list.) The United Nations Library, *Monthly List of Selected Articles,* has a somewhat more restricted coverage. Both of these last two mentioned publications provide indexes, among others, for many of the European social science journals. Certain bibliographical services for special fields of political science in this country include the periodical literature. Examples are the weekly "Recent Publications on Governmental Problems," published by the Joint Reference Library of 1313 East 60th Street, Chicago, Illinois, and the "Periodical Literature of International Law and Relations" which appears in each quarterly issue of the *American Journal of International Law.* The periodical literature of a number of foreign countries is conveniently indexed in one form or another. To take two of the areas of special interest at the present time, German journals are indexed in *Deutsche Nationalbibliographie* (Reihe B, "Neuererscheinungen ausserhalb des Buchhandels"); Russian journals available in this country are indexed in the "Periodicals" section of the Library of Congress' *Monthly List of Russian Accessions,* and a selection of articles about Soviet Russia is included in *Soviet Bibliography,* which is compiled by the Division of Library and Reference Service of the State Department. Everett S. Brown's recently published *Manual of Government Publications* (New York, 1950) contains numerous helpful suggestions regarding bibliographies, including periodical literature for both the United States and foreign countries.

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SPECIAL ANNOUNCEMENTS

Report of Executive Committee

The President of the Association, acting on the advice of the Executive Committee and in accordance with the recommendations of the Washington Office Committee, has appointed Professor Edward H. Litchfield of Cornell University as the Director of the Washington office of the Association. Dr. Litchfield served for four years as Director of Civil Affairs in Germany under General Clay and was a member of the American delegation to the Moscow and London Conferences of the Council of Foreign Ministers.

The Executive Committee decided that the original appointment should be made for one year during which the Washington office should be set up and its policies and procedures established. Dr. Litchfield will continue his work at Cornell while undertaking the duties of the Directorship of the Washington office. Arrangements have been made for appropriate office space in the new quarters of the American Council on Education, 1785 Massachusetts Avenue, N.W., Washington 6, D. C. It is planned to open the Association's office in Washington early in October and to transfer the records from Columbus at that time. There will be no consolidation of the editorial offices and the executive offices. THE AMERICAN POLITICAL SCIENCE REVIEW will continue to be edited by Taylor Cole at Duke University, Durham, North Carolina.

The Carnegie Corporation has made a second grant of $10,000 for the promotion of the general purposes of the Association. The Executive Committee has determined that this grant will be spread over a two-year period to supplement the budget otherwise available for the support of the Washington office.

In order to provide for the expenses of operating the Association, including the new services which are planned for the membership, the members of the Association at the business meeting held at the Roosevelt Hotel in New York City on December 30, 1949, made certain changes in the schedule of dues payments to be required of all members beginning January 1, 1951. The new schedule of dues is as follows:

Regular Members	$ 10.00
Associate Members	4.00
Subscribers to the REVIEW	6.60
Family members	2.00
Life-Members (payable in not to exceed 10 annual payments of $25 each)	250.00

Bills at the above rates for the 1951 dues will be mailed to all members in September, 1950.

The attention of all members of the Association is invited to the provision of Article 9 of the constitution, which provides that "all resolutions shall be referreg to the Council for its recommendation before submission to the vote of the Association at its annual business meeting. Notice of this provision shall be given to the members of the Association in advance of the annual meeting."

The meeting of the Council of the Association will be held at the Mayflower Hotel in Washington, D. C., beginning at 9 A.M., on December 27, 1950. Resolutions for consideration at this meeting should be in the hands of the secretary-treasurer before the day of the meeting. They may be addressed to him either at 100 University Hall, Ohio State University, Columbus 10, Ohio, or in care of the Mayflower Hotel, Washington, D. C.

The annual meeting of the Association in 1951 will be held in San Francisco, California, on August 29–31. The Executive Council meeting will be held on August 28. Headquarters will be at the Fairmont Hotel.

In 1952 the annual meeting will be held in Buffalo, New York, on August 26–28, with headquarters at the Statler Hotel. The Executive Council will meet on August 25.

Report of Nominating Committee for 1951

At the coming meeting of the American Political Science Association to be held in Washington, D. C., the Committee on Nominations (Thomas S. Barclay, Stanford University, Chairman) will propose the following officers for 1951: President-Elect,* Philip C. Jessup (Columbia University); Vice-Presidents, Paul H. Appleby (Syracuse University), J. Alton Burdine (University of Texas), and George B. Galloway (Library of Congress); members of the Executive Council for two years, M. Margaret Ball (Wellesley College), Wilfred E. Binkley (Ohio Northern University), Royden J. Dangerfield (University of Illinois), Ray F. Harvey (New York University), Alpheus T. Mason (Princeton University), James L. McCamy (University of Wisconsin), Roy V. Peel (Bureau of the Census), Edward W. Weidner (Michigan State College).

Report of Program Committee

In preparing the program for the 46th Annual Meeting of the Association to be held in Washington, D. C., December 28, 29 and 30, 1950, the Program Committee was faced with certain inescapable limitations. Because of the size of the Association membership and the anticipated attendance at the forthcoming meeting, two Washington Hotels, the Mayflower and the Statler will be used. Rooms of adequate seating capacity in these two hotels also imposed a restriction on the number of simultaneous sessions possible.

In planning the program, the Committee has taken account of a great many comments coming from members of the Association concerning last year's program, together with suggestions for this year's program. The Committee has recognized from the start that, due to many factors well known to the membership, any program will represent a compromise, satisfying to some but certainly not to all of the members who attend.

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* Under the amended Constitution of the Association, only the President-Elect for 1951 is nominated by the Nominating Committee. Professor Peter H. Odegard, who was elected President-Elect for 1950 at the December, 1949, meeting of the Association, will serve as President in 1951. The President-Elect for 1951, who will be chosen at the December, 1950, meeting, will serve as President of the Association in 1952.

Several working ideas have formed the basis for the Committee's decisions on the structure of the program. First, although the number of round tables and section meetings is less than half of those scheduled in New York last year, the Committee believes the principal substantive fields and main interests of the membership will be covered. Second, the Program Committee is utilizing the standing committees of the Association, in so far as possible, for assistance in developing round tables or section meetings in the fields of their competence. Third, the Committee believes that the opening general session and two general luncheon meetings will provide the members with ample opportunity to hear significant speakers. Fourth, the Committee approved a suggestion coming from a number of members for a series of simultaneous sessions on the second evening on the general subject, "Issues Before the Congress." It is hoped that these sessions will produce lively debate and provide a rewarding stimulus for those who come to Washington. Fifth, and finally, there was a division of opinion as to whether round table and section meetings should continue through Saturday afternoon. In view of certain obvious limitations, it was decided to hold the annual business meeting on the second afternoon and to close the annual meeting of the Association after luncheon on Saturday.

At this early date, it has not been possible to list specific topics and the names of participants. These will appear in the final program. It will be noted, however, that the general fields to be covered by round table and section meetings are listed, together with their location in one of the two hotels reserved for the Association meeting.

ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Preliminary Program Schedule

THURSDAY, DECEMBER 28

8:30–10:30 A.M. Registration—Mayflower and Statler Hotels
10:30–12:00 Opening General Session—Mayflower Hotel Ballroom
(Speakers and topics to be announced)
12:45– 2:45 P.M. General Luncheon—Mayflower Hotel Ballroom
(Speaker and topic to be announced)
3:15– 5:15 P.M. Round Tables and Section Meetings
(General subject fields are listed—specific topics and participants to be announced later)

1. Political Theory (1st session)	Statler Hotel
2. Public Administration (1st session)	Statler Hotel
3. State and Local Government (1st session)	Statler Hotel
4. American Legislatures (1st session)	Statler Hotel
5. Science and Technology (Single session)	Mayflower Hotel
6. Citizen Participation in Government (Single session)	Mayflower Hotel
7. Research in Political Science (1st session)	Mayflower Hotel
8:45 P.M. Presidential Address and Presentation of Awards	Statler Hotel Ballroom

Friday, December 29

9:30–11:30 A.M.	Round Tables and Section Meetings	
	8. Political Theory (2nd session)	Statler Hotel
	9. State and Local Government (2nd session)	Statler Hotel
	10. Political Parties and Elections (1st session)	Statler Hotel
	11. American Legislatures (2nd session)	Statler Hotel
	12. International Relations (1st session)	Mayflower Hotel
	13. Comparative Government (1st session)	Mayflower Hotel
	14. Research in Political Science (2nd session)	Mayflower Hotel
12:15– 2:15	General Luncheon (Speaker and topic to be announced)	Mayflower Hotel Ballroom
2:30– 4:30 P.M.	Round Tables and Section Meetings	
	15. Political Theory (3rd session)	Statler Hotel
	16. Public Law (1st session)	Statler Hotel
	17. Political Parties and Elections (2nd session)	Statler Hotel
	18. Teaching Political Science (1st session)	Statler Hotel
	19. International Relations (2nd session)	Mayflower Hotel
	20. Comparative Government (2nd session)	Mayflower Hotel
	21. Research in Political Science (3rd session)	Mayflower Hotel
4:45 P.M.	Annual Business Meeting	Statler Hotel Ballroom
8:30 P.M.	Special Evening Sessions—"Issues Before the Congress" (Speakers and topics to be announced)	
	(1).	Statler Hotel
	(2).	Statler Hotel
	(3).	Mayflower Hotel
	(4).	Mayflower Hotel

Saturday, December 30

9:45–11:45	Round Tables and Section Meetings	
	22. Public Law (2nd session)	Statler Hotel
	23. Political Parties and Elections (3rd session)	Statler Hotel
	24. Public Administration (2nd session)	Statler Hotel
	25. Teaching Political Science (2nd session)	Statler Hotel
	26. International Relations (3rd session)	Mayflower Hotel
	27. Comparative Government (3rd session)	Mayflower Hotel
	28. Labor-Management Problems (Single session)	Mayflower Hotel
12:30 P.M.	Special Luncheons and/or Meetings with other Associations (Programs to be announced)	

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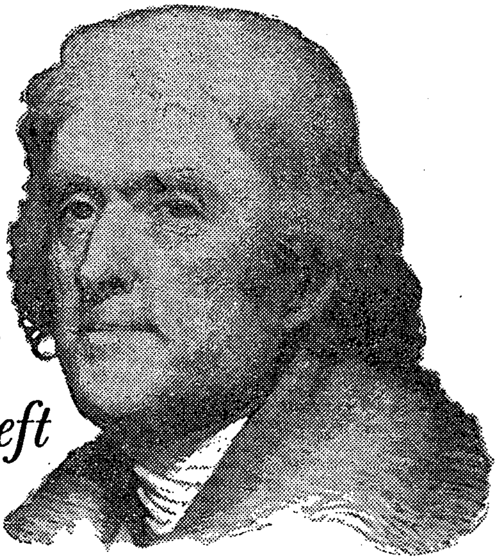

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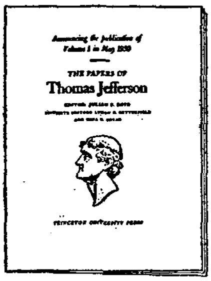

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